



## Saint Paul Planning Commission

City Hall Conference Center Room 40  
15 Kellogg Boulevard West

Christopher B. Coleman,  
Mayor

### Agenda

January 16, 2015

8:30 – 11:00 a.m.

Saint Paul  
Planning Commission

#### Chair

Barbara A. Wencil

#### First Vice Chair

Elizabeth Reveal

#### Second Vice Chair

Paula Merrigan

#### Secretary

Daniel Ward II

#### I. Approval of minutes of December 5 and 19, 2014.

#### II. Chair's Announcements

#### III. Planning Director's Announcements

#### IV. PUBLIC HEARING: Parkland Dedication Amendments Study – Item from the Comprehensive Planning Committee. (*Jamie Radel, 651/266-6614*)

#### V. Zoning Committee

**SITE PLAN REVIEW** – List of current applications. (*Tom Beach, 651/266-9086*)

#### NEW BUSINESS

#14-345-787 Fleetwood Motors – Rezone from IT Transitional Industrial to B3 General Business. 550 Como Avenue, SW corner at Burgess Street.  
(*Josh Williams, 651/266-6659*)

#14-344-764 Fleetwood Motors – Conditional use permit for outdoor used automobile sales. 550 Como Avenue, SW corner at Burgess Street. (*Josh Williams, 651/266-6659*)

#14-352-705 East 7<sup>th</sup> & Bates Senior Apartments – Conditional use permit for a 45 foot building height. 720 7<sup>th</sup> Street East between Maple and Bates.  
(*Jake Reilly, 651/266-6618*)

#14-353-762 University of Saint Thomas – Modification of condition of a previous Planning Commission site plan approval to allow an existing parking lot to continue to be used until March 11, 2018. 2060 Summit Avenue, NW corner of Grand at Cleveland.  
(*Josh Williams, 651/266-6659*)

#### VI. Comprehensive Planning Committee

#### VII. Neighborhood Planning Committee

Pat Connolly  
Anne DeJoy  
Daniel Edgerton  
Gene Gelgelu  
William Lindeke  
Kyle Makarios  
Melanie McMahon  
Gaius Nelson  
Rebecca Noecker  
Christopher Ochs  
Trevor Oliver  
Julie Padilla  
Betsy Reveal  
Emily Shively  
Terri Thao  
Wendy Underwood  
Jun-Li Wang  
David Wickiser

Planning Director  
Donna Drummond

- VIII. Transportation Committee**
- IX. Communications Committee**
- X. Task Force/Liaison Reports**
- XI. Old Business**
- XII. New Business**
- XIII. Adjournment**

Information on agenda items being considered by the Planning Commission and its committees can be found at [www.stpaul.gov/ped](http://www.stpaul.gov/ped), click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &  
Heritage Preservation Commission**  
MASTER MEETING CALENDAR

**WEEK OF JANUARY 12-16, 2015**

**Mon (12)**

**4:00-5:30 p.m. Transportation Committee**  
*(Hilary Holmes, 651/266-6612)*

**13<sup>th</sup> Floor – CHA**  
25 Fourth Street West

3<sup>rd</sup> Street/Kellogg Bridge Timeline update – *Glen Pagel, Public Works*

Como Park Transportation Improvements update – *Bryan Murphy, Parks*

Citywide Bicycle Plan – *Reuben Collins, Public Works*

**Tues (13)**

**3:30-5:00 p.m. Comprehensive Planning Committee**  
*(Merritt Clapp-Smith, 651/266-6547)*

**13<sup>th</sup> Floor – CHA**  
25 Fourth Street West

Comprehensive Plan priority themes-wrap up discussion.  
*(Michelle Beaulieu, 651/266-6620)*

DNR Mississippi River Critical Area Ruling-continued discussion of City comments on proposed rules. *(Allan Torstenson, 651/266-6579 and Josh Williams, 651/266-6659)*

**Weds (14)**

**Thurs (15)**

**Fri (16)**

**8:30-11:00 a.m. Planning Commission Meeting**  
*(Donna Drummond, 651/266-6556)*

**Room 40 City Hall**  
Conference Center  
15 Kellogg Blvd.

**PUBLIC HEARING: Parkland Dedication Amendments Study** – Item from the Comprehensive Planning Committee. *(Jamie Radel, 651/266-6614)*

**Zoning..... SITE PLAN REVIEW** – List of current applications. *(Tom Beach, 651/266-9086)*

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**Saint Paul Planning Commission  
City Hall Conference Center  
15 Kellogg Boulevard West**

**Minutes December 5, 2014**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, December 5, 2014, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. DeJoy, McMahon, Merrigan, Reveal, Thao, Underwood, Wang, Wencl; and Messrs. Connolly, Edgerton, Lindeke, Nelson, Ochs, Oliver, Wickiser.

**Commissioners Absent:** Mmes. \*Noecker, \*Padilla, \*Shively, and Messrs. \*Gelgelu, \*Makarios, and \*Ward.

**Absent:** \*Excused

**Also Present:** Donna Drummond, Planning Director; Reuben Collins, Department of Public Works, Jake Reilly, Lucy Thompson, Josh Williams, Michelle Beaulieu, Hilary Holmes, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes October 31, 2014.**

**MOTION:** *Commissioner Reveal moved approval of the minutes of October 31, 2014. Commissioner McMahon seconded the motion. The motion carried unanimously on a voice vote.*

**II. Chair's Announcements**

Chair Wencl had no announcements.

**III. Planning Director's Announcements**

Donna Drummond reminded the Planning Commissioners about the retreat at the December 19<sup>th</sup> meeting on Urban Industrial Development Policy. Some information was emailed out and more information will be included in the next packets.

**IV. PUBLIC HEARING: Saint Paul Bicycle Plan – Item from the Transportation Committee. (Reuben Collins, 651/266-6059)**

Chair Wencl announced that the Saint Paul Planning Commission was holding a public hearing on the Saint Paul Bicycle Plan. Notice of the public hearing was published in the Legal Ledger on November 24, 2014, and was emailed to the citywide Early Notification System list and other interested parties.

Reuben Collins, Public Works staff person, gave an overview of the Saint Paul Bicycle Plan at the last Planning Commission meeting on November 14, 2014. This process started in 2011 and there have been several rounds of public involvement efforts. Public Works staff has done their best to document the public involvement efforts in one of the appendices to the plan document. They released the original draft of the plan in January and received close to 400 written comments about that plan. The plan here today is a revised version of that plan that has incorporated some of the many comments that they have heard. The intent of this plan is to create a vision for building out of a bicycle network throughout the city; it's a long term vision. They hope that the plan will help the city become as inclusive as possible of as many numbers and types and preferences of bicyclist as there are out there. This is a bold vision of bicycling in Saint Paul; it builds off the currently adopted Comprehensive Plan that established some basic parameters in terms of how far apart bikeways should be spaced. It is the Comprehensive Plan that sets that vision for why they are doing this bicycle plan but this plan fleshes out some of the details associated with that.

Chair Wencil read the rules of procedure for the public hearing.

The following people spoke.

1. Drew Johnson, is a resident in the Highland Park neighborhood and he strongly supports the bicycle plan and is very encouraged by what he has read so far. Over the years biking has become an increasingly important part of his life. He encourages the Planning Commission, city council members and the Mayor to bike the city streets as often as they can. It will give them a perspective that cannot be matched any other way and will make crystal clear the need for a bike plan. The suggested review period of 5 to 7 years is far too infrequent, given the current rate of change in climate, technology, public opinion, everything and he has a hard time imagining what Saint Paul or the rest of the world will look like in 5 years. For a plan this important to be effective the review period must be much shorter, at least annually or ideally biannually. Mr. Johnson submitted written comments as well.
2. Tony Desnick is an employee of Nice Ride Minnesota, the Twin Cities urban bike share service. In downtown Minneapolis there are 10 trips to every one trip in downtown Saint Paul. The reason for that is primarily is that there are not places to safely bike in downtown Saint Paul. So they encourage that this plan be implemented, investment be made to fund the plan and to build the plan as quickly as possible. Between the economic benefits and the ability for the most vulnerable bicyclists to travel safely to downtown Saint Paul and around the city is going to be a tremendous advantage.
3. Michele Molstead, a Saint Paul resident, said that she drives, walks, takes public transit and rides a bike. She supports the bike plan; the data base decisions make sense. She is confident that the Planning Commission is aware of the increasing pool of research showing not only the health but the economic benefits of active transportation. As a new transplant to Saint Paul she discovered the pastry case at Cosetta's and she is now car free. Her dream is for her friends and family of all ages to join her in riding their bikes and riding Nice Ride bikes on safe and protected land to spend money at bakeries, breweries, restaurants and other businesses all around Saint Paul.
4. Charles Senkler lives in downtown Saint Paul, and he has owned a business on Cathedral Hill for 25 years. They have experienced a tremendous parking problem up there. His concern

with the bike path is in Lowertown where construction on the ballpark resulted in 285 parking spaces lost and the expanded sidewalk on 6<sup>th</sup> Street also resulted in lost parking spaces. He wants the city to slow down the process, the study and the new construction on Jackson and take a deep breath and see what kind of impact especially in the Lowertown area the recent loss of parking has on businesses. He is a businessman and he knows a lot of businessmen in the city and everybody is afraid of the loss of parking. There are situations like Macy's on Wabasha Street that really should be a priority to try to figure out how to stimulate the core area of Saint Paul with retail and in his view that relates to more convenient parking. He thinks that the bike paths and the efforts of the bicyclist are for a certain profile of a person in the city and not universally accepted by everyone in the city. Again slow down and take a look at what kind of impact the efforts that have been done already and what kind of impact it has on retail and vibrancy in the city and go on from there.

5. Jim Ivey lives and has had a business in Lowertown for over 15 years. For decades downtown streets have been owned by the car and for decades on-street parking lots did nothing to create business. If he wants to drive to a store with easy parking then he will go to one of the malls, because they have free parking which downtown Saint Paul cannot compete with. But what can be done is transform the dense downtown business district into a vibrant, friendly, attractive place for people to walk, bike and linger. This bike plan is a chance to make it possible for hundreds or even thousands of people to take one step closer to being car free, and pumping millions of dollars back into Saint Paul, instead of the pockets of car companies, gas companies and insurance companies. He hopes the Planning Commission will approve this plan to move Saint Paul into the future and help make these investments in our city both for the health of our people and the health of our economy. Written testimony was received from Mr. Ivey.
  
6. Benita Warns is owner and operator of Mr. Michaels Recycles Bicycles and Midway Bicycle Supply, a wholesale distributor of bicycle parts. She overall supports the plan; however there are two items that need to be addressed. First, there is a section in the plan that talks about barriers and then it lists certain barriers and those barriers are typically streets or railroads, freeways, rivers and bodies of water. There is one that is significant and it is missing. That is where to connect the bicycle route that goes currently down Pascal all the way down to Marshall with the bicycle route that is proposed in this plan on Saratoga that goes all the way up to Dayton. Pascal actually goes a block south of Marshall to Dayton; however Dayton has a railroad track that goes in between there. There is also a vision for a path along that railroad track which is alongside Ayd Mill Road that eventually will happen. There is also City right-of-way on Dayton that is east of Saratoga and she will be proposing to connect those two routes there, that will then give a continuous north south route to a very busy area and it would be accessible to both pedestrians and bicyclists. This would be a much safer alternative and a lot less expensive than trying to retrofit Hamline. Another item to address is that there is a suggestion to pass an ordinance to prohibit being able to chain bicycles to parking signs, telephone poles and other objects that are in the public right-of-way. Enforcement of something like that would be a nightmare, what's the penalty, they seize the bike? There are enough problems with enforcement of the rules that are in place already. Example: The bike rack in front of a business is full, so you chain the bike to a sign and then somebody leaves and you come back and your bike has a ticket on it because it is not on the rack even though there was no place on the rack when you first got there. So this ordinance should be avoided.

7. Joan Pasiuk is member of Women on Bikes; she has been a bicyclist and pedestrian for more than three decades. She is enthusiastic about the bicycle plan and she offers some additional actions to take for the outcome of the plan to be successful. One is to reduce speed, speed of cars is the pressing barrier to safe bicycle transportation. There are road designs in the plan that help buffer bicyclists from motor vehicle traffic. But there is something we can do inexpensively and readily which is lower the speed limit. Minnesota Statutes 160.263 allows local jurisdictions to reduce speed to 25 mph on streets with bicycle lanes, this should be done now and done more. For this plan to be effective for bicycling to function as viable transportation Saint Paul must take the jurisdictional lead. As part of the approval process of this plan it should be brought to state and county elective officials and operational leaders. MnDOT and Ramsey County should sign off on the plan or tell us why they cannot make a commitment to complete streets implementation that is what the residents of Saint Paul deserve. Please recommend passage of this plan and forward the plan with the strongest recommendation.
8. Jeff Zayer, representing the Saint Paul Bicycle Coalition, said the vision of this plan is exactly what this city needs; it shows a commitment to the goals stated in the Comprehensive Plan. However he has a concern about parking. There is a lot of bike parking that needs to be developed in the city before any restrictions should be made. And those restrictions being made to what can be locked to as opposed to how that bike is locked up and what it is obstructing might be a better angle to take. The plan also calls out for prioritizing implementation based on count data and crash data. Currently there is no comprehensive crash data or near miss data collection that is done by the city that he is aware of and he would like to see some interim steps made to ensure that the counts continue and also crash data is being compiled in a comprehensive manner citywide. He supports this plan and looks forward to its passage.
9. Amber Dallman a Saint Paul Smart Trips member and Saint Paul Women on Bikes spokeswoman said she supports the proposed bike plan. Reasons include wanting to make biking a safer and easier choice for people of all ages and abilities. Prioritize connecting a network with specific destinations in mind. For example, look at how we can connect people with limited resources to housing, food, education, public resources like libraries; these are also places her family enjoys traveling to by bike. Also the importance of leveraging existing resources and partnerships to support, encourage, and provide education on biking needs to happen to get more people to choose biking. She is excited about how the City can leverage partners and other to help implement various facets of the bike plan and is hopeful for better bicycling infrastructure in the next 5 years. Ms. Dallman submitted written comments.
10. Michael Sonn is a resident in Saint Paul and is employed in downtown Saint Paul. He loves to ride his bike until he gets to downtown Saint Paul. This plan doesn't comprehensively layout what will be done with downtown and it is very important to bridge that gap and make downtown safe. His wife bikes as much as she can but does not feel comfortable biking to downtown Saint Paul. He also thinks that this plan should be adopted sooner rather than later in that there are a lot of projects coming through the pipeline that if we miss the opportunity to put safer pedestrian or cycling infrastructure on these projects it's a missed opportunity that could be generation before we get a chance to work on these roads again.
11. Rebecca Airmet is a Saint Paul resident thanked the City and Reuben Collins for all the hard work on the bike plan. It is obvious that great effort and care has been put into engaging the

community and addressing the needs. Ms. Airmet spends a lot of time in the summer biking for fun and recreation in Saint Paul, but she also bikes for transportation and that is not easy. The existing trails don't go everywhere she needs to go so she is more likely to bike somewhere she knows is a safe route and a safe place for bikes. This summer her 16 year old daughter was hit by a car while riding her bike across a major arterial street at the crosswalk; she is okay with just some bumps and bruises. That brought two things into focus, one is the need for safer bike infrastructure and secondly the need for greater public awareness of cyclists and their safety. Educating drivers about bikes and bike safety, not just cyclists will increase safety. Please include guidelines for setting aside a percentage of funds to educate the public about the rights of cyclists, the benefits of cycling and the safety of everyone who uses our streets. Equity lies at the heart of the Bike Plan and if it is adopted and then implemented with a strong vision and spirit of equity, it can help restore and enhance dignity for those among us who do not have a car or who minimize car use, either by choice or by necessity. Ms. Airmet submitted written comments as well.

12. Nicki Jones, a resident in Lowertown and a business owner in Saint Paul, supports the Saint Paul Bicycle Plan. A year and a half ago her family of six, four are kids, sold their only car and now use public transportation, bicycles and walking to get nearly everywhere they go. Anything they do within city limits of the Twin Cities they use their bikes to get there. She supports the bike plan because it outlines a great start toward creating safer bicycle routes and to make most of those routes as safe as possible by implementing protected lanes, we need physical barriers not just painted lines between cars and bicycles. At a recent Metro Independent Business Association public policy meeting one of the members talked about moving his retail business from Snelling Avenue to Como Avenue in the St. Anthony Park neighborhood. Neither location had dedicated parking, but business is significantly better on Como Avenue, in part because of the bicycle lanes. Bicyclists move slower, therefore cars move slower and everyone has a better chance to see the storefronts and stop. Her business is just off University Avenue and in front of her business she converted the parking space into about 12 bicycle parking spaces so all we need now is to make those bike routes to her business safer and more accessible for their growing customer base who choose to bike. Ms. Jones also submitted written testimony.
13. Wes Johanson resides in the Como area and he is all for bicycle lanes but he does have a problem when we reduce the main arteries down from four lanes to two lanes. He and his wife travel downtown once a week and the cars are backed up between Rice Street and Dale Street solid. He does not see any bicycles but these cars are idling and that is part of the carbon foot print due to bicyclists. He is all for bicycling, and he is all for bike lanes, but off the main arteries. Because people are not as fortunate as all these people in the audience here to be able to ride bikes to work a lot of people have to commute and the traffic is backed up. He has owned snowmobiles and four wheelers and for everything he has owned he had to pay a user fee, for using the trails for the snowmobiles and he had to have those insured. He does not understand why there is not a bond or something to protect the drivers as they are driving, he does not bike ride anymore, but he used to. He is a minority in this majority group of bicyclists here.
14. Paul Bengtson, Director of Capitol River Council. Mr. Bengtson read an official resolution that was adopted by their organization in regards to the Bicycle Plan. He thanked the Planning Commission for the opportunity to testify and the downtown stakeholders who have

come out to testify as well. Mr. Bengtson submitted a copy of their resolution regarding the Bicycle Plan.

15. Roberta Avidor, a resident in the Lowertown area and a member of Women on Bikes, supports the bike plan and she asked for equity of bike riders with motor vehicle operators. One day she was biking on 10<sup>th</sup> Street going east by St. Joseph Hospital waiting at the light to cross St. Peter Street. A woman in a big SUV drove up next to her, rolled down the window and said "you should be on the sidewalk". And Ms. Avidor replied no, that she has every right to be in the street, and bike riders should not be on the sidewalk and the SUV then just drove off. Ms. Avidor feels that with the implementation of a bike plan (she will bike no matter what) it will also educate drivers such as her that this is a vital means of transportation. She and her husband are car free by choice, she bikes mostly to get her errands done and a lot of that is downtown. She would like to see a safer environment to bike in.
16. Scott Beauchamp, manager of public affairs with the Saint Paul chamber of Commerce. In March the Chamber and BOMA convened a task force of the downtown business members and asked them to specifically analyze the Downtown Loop portion of the proposed Saint Paul Bike Plan. Mr. Beauchamp speaks on behalf of the Chamber regarding that portion of the plan. The Chamber strongly supports this plan in general; they believe that it will be a strong tool for employee retention and attraction for downtown employers as well as a major catalyst for growth and development in downtown. However they believe it can be made better with a few recommendations. The first is that with any major infrastructure investment such as this the main priority should be economic development and return on investment. Because of this they recommend that the City look at Wabasha Street and 4<sup>th</sup> Street as potential loops of the alignment. They believe that this plan if put on these streets will maximize the economic development and return on the investment of the \$18 million due to the much higher potential of Wabasha and 4<sup>th</sup> Street. They also urge that the City look at a potential off-street connection to Lowertown to maximize the potential of the new CHS field that is currently being constructed. Regarding the comments about lost parking in downtown, they believe that the current supply of off-street parking and structured ramps is more than sufficient to accommodate any loss of parking associated with the construction of this loop. In other words they believe that concerns about lost parking are exaggerated. Look at other cities like Chicago and New York with little to no on-street parking available in their downtowns yet extremely vibrant in their downtown areas. The Chamber supports the Downtown Loop with their recommendations, there is a strong momentum being built in downtown and this plan is well equipped to capitalize on it. In order to remain competitive in a global economy we need to recruit and attract young talent and this plan will help to do that by increasing the vibrancy, walkability and vitality of downtown.
17. Elizabeth Wefel a resident of the Summit Hill neighborhood, works near the Capitol and bikes to and from there whenever she can. She is a confident avid biker, and she is estatic about the Saint Paul Bicycle Plan. Saint Paul is taking the right steps forward to improve biking accessibility and safety in the city. Biking is good for the health and happiness of the bikers themselves and everyone around them. It gets cars off the road and makes streets calmer and safer; we need to move forward on this plan. Ms. Wefel has submitted written testimony with detailed comments.
18. Amy Schwartz is a Highland Park resident and attorney who bikes to work and is a strong supporter of the Saint Paul Bicycle Plan. She believes having a comprehensive bike plan

with the support of the City of Saint Paul will promote economic development in the city. Many residents use their bikes for transportation and recreation and having good bike access and parking near local businesses is crucial. But it is not safe biking on many of the roads in Saint Paul and there are no good routes to get around. The bike plan and the infrastructure will help to attract and retain residents in Saint Paul. Ms. Schwartz has submitted written comments as well.

19. Douglas Lamb, owner of Candyland, Inc. for 40 years, said his biggest complaint from his customers is that there is not enough parking. There is no reason to add to this problem by removing metered parking to add a bike path. Removing parking from Wabasha Street is not fair to any retail located downtown. Customers want to pull up and park right in front of the stores where they want to shop. The streets of downtown are very slow moving, and there is nothing wrong with sharing the road with a few bicyclists. And who rides their bikes in the extreme temperatures of the long winter in Minnesota? Please do not ruin the little retail you have downtown. Written comments were received from Mr. Lamb.
20. Lindsey Johnston, a Payne/Phalen neighborhood resident and a spokeswoman for Saint Paul Women on Bikes, said she fully supports moving forward with the bike plan. She bikes every day and sees other bikers not only everyday but almost every single trip, even on the coldest snowiest days. Lots of people in her neighborhood bike and not just by choice but out of necessity because not everyone can afford to own a car. People are forced to bike on the sidewalk of busy streets and children in her neighborhood are saying that it is dangerous to bike in the streets. It is dangerous but it does not have to be. The eastside needs to have better safer routes within the eastside and connecting it to other neighborhoods, especially downtown. We need to connect the city internally to grow and flourish and the bike plan can do that.
21. Heidi Schallberg, a resident of the Highland Park neighborhood, is employed downtown and a member of Saint Paul Smart Trips. She is in support of the City's adoption of the much needed bicycle plan. She encouraged a few modifications without delaying the adoption of the plan. The first is to not restrict bicycle parking, second is to emphasis the use of protected bike lanes on high volume roads. She thinks the adoption and timely implementation of this plan will go a long way toward truly making Saint Paul more livable for residents and visitors of all ages and abilities.
22. Richard Arey represents Friends of Saint Paul and Ramsey County Parks & Trails, and they support the latest draft of the bicycle plan. But before it is adopted they encouraged the Planning Commission and City Council to amend the Priorities portion of the plan as follows:
  - 1) Build a bike route to, and through downtown.
  - 2) Build a north – south bike route.
  - 3) Sign, map and maintain major bike routes
  - 4) Provide safe and separated space for each mode of transportation.
  - 5) Promote new bike routes with a multi-media approach.

The new Saint Paul Bikeways Plan provides an excellent framework for developing a great infrastructure for cycling in the city. They hope the funding keeps pace with the ideas as the City moves forward. Mr. Arey submitted detailed written comments.

23. Michael Kuchta, a resident in the Como Park neighborhood, said he typically bikes about 3,000 – 4,000 mile a year for commuting and exercise. Mr. Kuchta strongly encourages the endorsement of this plan. However he does not agree with all its priorities and would quibble with some of the proposed routes. But he thinks that this proposal is long overdue. This plan does not put bicycles on equal footing, but it does make bicycle travel a high priority. This plan begins to make the existing infrastructure more useful. It puts forth a practical vision for how to create a real network and it takes into account the different needs of the different types of bikers and safety. The plan envisions a Saint Paul that is more human in scale, more balanced, more livable and more prosperous. Mr. Kuchta has submitted written comments.
24. Tony Bol represents the Fitzgerald Theater. He thanked the Planning Commission and everyone who has inspired him with their support for the bicycle plan. Wabasha Partners is for the bicycle plan, and he also thanked the people in opposition. He said that bikes matter and so do cars and parking. This hearing is a chance to get all ideas out, which will result in a better plan by hearing both sides. Wabasha Partners idea is that the bike loop be a part of Wabasha. Mr. Bol read a letter that they had submitted to Mayor Coleman earlier this year. “The City of Saint Paul is seeking feedback and continuing to examine the merits of a bikeway for our downtown community. The undersigned participants of the Wabasha Partners group asks that the City of Saint Paul give full consideration to the possibility of Wabasha Street being a part of the bikeway downtown plan.” Mr. Bol has signatures, but this is by no means 100% representation of Wabasha Partners however they are proud of the level of participants that they got to sign, and read a few of the names of the organizations that signed. A copy of those signatures was submitted.
25. Roger Meyer, a resident of the Merriam Park neighborhood, said he is in favor of this plan. Approving this plan is only the first step, he is most interested in seeing this plan implemented. Without serious implementation, without the will and resources to implement a great plan, it remains only a plan. He suggested some changes. In Section 1.0 at the very beginning the goal of the plan is clearly stated to increase the bicycle mode share to 5% by 2025. He encouraged the adoption of interim goals between now and 2025 that spell out that measurement. In Section 8.0 the steps outlined in this plan are to explore the feasibility of continued counts and he thinks that is inadequate, the City of Saint Paul needs to commit to gathering the data necessary to manage this plan and ensure its implementation. In Section 9.1, going back to the resources necessary to implement this plan, it is going to take bold resources and right now the plan only lays out the current resources dedicated to biking which is competitive CIB, competitive grant funding and a small pot of money for pedestrian and bike safety. He encouraged adding dedicated funding from the Public Works budget tied to the outcome of 5% bicycle mode share and as a city take this plan as infrastructure and get serious about finding the dollars and maintaining the dollars to implement. Lastly, the prioritization section needs to be strengthened so as not to be at the whim of elected officials or Public Works staff and where they'd like to see it, but on the priority of getting the 5% mode share. He suggested looking at the Hennepin County plan which just passed. They have a matrix they use that has points that allows them to in an unbiased way, in a data driven way, to prioritize the investments they are making to address the goals of the plan. He really likes the plan but is concerned that it should include much stronger language and stronger ways for citizens to hold the City accountable for implementation.
26. Ed Lehr, a Saint Paul resident, supports the bike plan but there is one area he thinks needs to be addressed which is a concern of the people on the east side. There seems to be within the

plan a gap that exists between downtown and the east side and suggested one of the possibilities that might fill that gap. He would like to see similar to the spoke of Como Avenue which goes to the north and to the west to see East 7<sup>th</sup> used to go north and to the east, as there is not an easy way to connect. It is a difficult thing for bicyclists to go out on Kellogg if that gets a new bridge soon. When the Lafayette Bridge was rebuilt one of the contentious items was whether to put a bicycle lane on it. The bike lane was put on the bridge and crossing Lafayette it dumps out on East 7<sup>th</sup> Street and then there is no connection to go anywhere. So there is the need to utilize what has already been decided as a good route (the bridge) and it needs to be connected to somewhere. He encouraged the possibility of making that a major change and make it a spoke out of the downtown.

27. Betty Wheeler, a St. Anthony Park resident, strongly endorses the bike plan as designed and described in the document and map. Facilitating a good bike route is extremely important as it must be both a route that feels safe and is safe for the bicyclist. However she has a concern about the Raymond Avenue stretch of the Grand Round of the bike plan as it is currently the only option for bicyclists to traverse from South St. Anthony Park and the Green Line to North St. Anthony Park and the U of M Saint Paul Campus. Ms. Wheeler lives along that route and most of her neighbors as well as she do not feel safe enough to ride on Raymond Avenue. To make Raymond Avenue bike friendly there needs to be some improvements. First it needs substantial traffic calming measures and trucks need to be removed from it except for local or destination. It is important for these items to get implemented soon because phases II and III of the Raymond Avenue reconstruction are about to commence. Ms. Wheeler submitted written comments as well.
28. Venita Warnke has been a resident of downtown Saint Paul for nearly 30 years and over the years she has heard comments from people about the parking situation. Ramps are expensive and on-street parking spaces are at a premium. She does a lot of walking downtown and she sees very few bicyclists, especially during the cold winter weather. Will that change with a designated bike path next to her building on Jackson Street? Most know the answer to that. She hopes the City gives serious consideration to real-life views of the residents and business owners downtown who do not want to see more on-street parking spaces lost because of this proposed city-wide bike plan. Written comment was submitted from Ms. Warnke.
29. Linda Petri, a resident of downtown Saint Paul for about 10 years, addressed the concept of the bike loop replacing economic activity lost by parking spaces. It has had one big marketing success out of state; she wants to know more about that. Being a grant writer if she ever presented that particular point to a foundation she would have been laughed out the door. How will this shake out considering several million dollars in current City debt. For now the bike loop idea is a little loopy.
30. Anne White, a resident in the Union Park neighborhood, supports the proposed Bicycle Plan but she has a few issues related to priorities. She has recently switched from mainly driving to walking and taking transit and would like to add bicycling to her transportation options but she is not confident that she can find a route that feels safe so she does not bike often. This brings her to the first point of the need to prioritize the building of protected bike lanes. If we want to encourage people to get around on bicycles it is critical that we build more protected bike lanes and paths to serve people like herself who are not comfortable riding in a narrow bike lane between parked cars and fast moving traffic. The next high priority is to fill in the gaps in existing bicycle routes. And it is important to review and update the bike plan more

frequently than every 5-7 years. Also there is a need to slow traffic throughout the city. Ms. White submitted detailed written comments.

31. Betsy Leach represents District 1 Community Council for the eastside of Saint Paul. The District 1 Community Council strongly supports the proposed Bicycle Plan. They encourage the City to think about cost burdened households not in terms of housing cost or households that are transit dependent but households that have large transportation cost burdens. Some families that have multiple vehicles are economically fragile as a result of those costs so those transportation costs need to be figured in. The major issue related to equitable distribution of bike facilities is how this plan is implemented. The list of factors used to prioritize in itself needs to be prioritized; we need to see the implementation follow where the current lack of facilities exists so that health, physical economic environmental and safety benefits are spread throughout the city. A dependence on current bicycle counts is something that is only going to perpetuate the equitable distribution of bicycle facilities that we already have. They are happy to see the eastside called out as a whole in the Nice Ride system. Kudos to the request for a zoning study on bicycle parking requirements. Again, they strongly support adoption of the plan and look forward to assisting and implementation in an equitable fashion.
32. Ken Paulman is a resident in West Saint Paul and is employed downtown. He is a year round bicycle commuter for 5 years in Saint Paul. About 2 ½ years ago he was riding home down Wabasha, going down the bridge there is a bicycle lane and then you're thrown to the wolves and then there is a bike lane again. He was in the last part of street without a bike lane when he looked behind him and a guy in a SUV Jeep was revving his engine and threatening to kill him if he did not get out of his way. It was bad enough that someone at the gas station called the Police on his behalf. The Police officer who responded told him that "there was no way he could do what you do" as he was afraid. In the most livable city in America a guy who puts on a bullet proof vest and a gun every morning is afraid to ride a bicycle in the street. It is not just him but he hears this all the time from friends, family and colleagues. I'd love to bike more but it is just so dangerous, you're crazy, how do you do that every day. So this plan is not for people like him, because he is going to ride no matter how terrible the infrastructure is. It's for people like this officer, like his wife and thousands of other people in the city who are not here today that would be riding more if they had the opportunity. Please consider not just people like him and not just the business owners but also the people who really want to be out on bikes.
33. Bill Hosko, a downtown business owner for over two decades and a year-round bicyclist for many years (he biked to this meeting), offered his views on the Saint Paul Bicycle Plan. He supports the basic goals of the draft bicycle plan, most people he knows support expanding the biking environment in Saint Paul. However there is one clear exception for him and a growing segment of downtown citizens, business and property owners: the Bike Loop segment which eliminates on-street parking in favor of curbed, landscaped bikes paths. The truth is the great majority of those who now understand the premise of the Bike Loop and have no conflicts of interest, do support its goal of making downtown more bike friendly, but not if it entails removal of very valuable on-street parking. He urges that the Bike Loop plan, including Jackson Street, remain a draft, until the downtown district council has been appropriately contacted and the more thorough review of Bike Loop options are concluded. A solution that benefits everyone might be to install bike pavement-markers on outside traffic lanes along the proposed Bike Loop (three per block). Drivers do understand their proven message, Share the Road! If vehicle symbols are added as well as painted green, traffic will

slow even further and the point can really be driven home that this is a shared traffic and bicycle lane. Mr. Hosko submitted very detailed written comments.

**MOTION:** *Commissioner Lindeke moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, December 8, 2014 and to refer the matter back to the Transportation Committee for review and recommendation. The motion carried unanimously on a voice vote.*

**PUBLIC HEARING:** Minor Zoning Text Amendments to Chapters 60-62, and portions of Chapters 63 & 65 – Item from the Neighborhood Planning Committee.  
(Jake Reilly, 651/266-6618)

Chair Wencl announced that the Saint Paul Planning Commission was holding a public hearing on the Minor Zoning Text Amendments to Chapters 60-62, and portions of Chapters 63 & 65. Notice of the public hearing was published in the Legal Ledger on November 24, 2014, and was emailed to the citywide Early Notification System list and other interested parties.

Jake Reilly, PED staff, said the minor text amendment package generally relates to clarity of language and typographical errors. He said that an amendment will be presented to the committee for Section 63.316. Paving. This amendment is to address the specificity of the location of driveways which has been creating a lot of variance applications. The amendment would reduce the number of variances processed by the BZA and the Planning Commission.

Chair Wencl read the rules of procedure for the public hearing.

The following people spoke.

1. Benita Warns is a resident of Saint Paul and owns and operates two businesses in Saint Paul. She said that there is one item in here that came up when she looked through the proposal to see if there were any red flags for her. She spoke against deleting Section 61.601(d) under Variances which refers to ensuring an adequate supply of light and air to adjacent property. She is concerned that deleting that from the variance requirements altogether, may affect those in single-family homes or smaller structures adjacent to a multi-story building, such as the Project for Pride in Living project on University Avenue. She said in that example, the Project for Pride in Living building is going to be a lot taller structure than what was there before. She wanted to know what kind of shadow analysis was done to ensure that those home owners don't lose the sun light that they get in their backyards, and that is a principle that is very important. She thinks that some sort of measureable criteria need to be in the variance findings. If, for example, the shadow from a building that is allowed to be built with a variance, changes the light condition in an adjacent property owner's yard by more than 10%, they should either not be allowed to have the variance or the person getting the variance needs provide some compensation to the other property owner for what could be necessary changes in landscaping. She suggested that staff need to go back and rework that language and put in some sort of measurable criteria to ensure that adjacent property owners don't have something that is going to block the sun light to their property and significantly change the growing conditions.

**MOTION:** *Commissioner Oliver moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, December 8, 2014 and to refer the matter back to*

*the Neighborhood Planning Committee for review and recommendation. The motion carried unanimously on a voice vote.*

**V. Zoning Committee**

**SITE PLAN REVIEW** – List of current applications. *(Tom Beach, 651/266-9086)*

Two items came before the Site Plan Review Committee on Tuesday, December 2, 2014:

- Viking Tool, addition to existing industrial building at 355 State Street.
- Dunedin Terrace, site improvements for existing housing at 175 Congress.

Two items to come before the Site Plan Review Committee on Tuesday, December 9, 2014:

- CHS Fertilizer Storage Building, tear down and replace existing building at 50 Chester.
- Seven Corners mixed use project, to discuss the most recent version of the site plan. (The main change is that parts of the building have been modified so the hotel could be considered as a stand-alone building separate from the apartment/commercial part for financing. Other revisions were made in response to previous staff comments.) Located at 216 West 7<sup>th</sup> Street.

**OLD BUSINESS**

#14-324-859 Forrest Heating Inc. – Establishment of nonconforming use as a heating service business. 995 Burns Avenue NE corner at Clermont. *(Bill Dermody, 651/266-6617)*

*Commissioner Nelson announced that this case has been withdrawn by applicant.*

**NEW BUSINESS**

#14-342-289 Joseph Sullivan – Rezone from RT1 Two-Family to B1 Local Business. 999 - 1003 Hudson Road between Cypress and Earl. *(Jake Reilly, 651/266-6618)*

**MOTION:** *Commissioner Nelson moved the Zoning Committee's recommendation to approve the rezoning. The motion carried unanimously on a voice vote.*

Commissioner Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, December 11, 2014.

**VI. Comprehensive Planning Committee**

DNR Mississippi River Critical Area Rulemaking – Approve resolution recommending to the Mayor and City Council City of Saint Paul comments on the DNR's draft rules. *(Josh Williams, 651/266-6659, and Allan Torstenson, 651/266-6579)*

Commissioner Merrigan announced that the committee found out that the DNR might be releasing additional information on December 11, 2014, and in order to report to the Planning

Commission more effectively and give City staff more time to look at comments, tweak language and avoid redundancy, they decided to defer looking at this until sometime in early January 2015.

## **VII. Neighborhood Planning Committee**

West Side Flats Master Plan and Development Guidelines, Proposed Rezonings, Proposed Zoning Code Text Amendments – Release for public review and set a public hearing for January 30, 2015. (*Lucy Thompson, 651/266-6578*)

Lucy Thompson will give a presentation on the West Side Flats Master Plan and Development Guidelines, Proposed Rezonings, Proposed Zoning Code Text Amendments at the public hearing.

***MOTION: Commissioner Oliver moved on behalf of the Neighborhood Planning Committee to release the draft for public review and set a public hearing on January 30, 2015. The motion carried unanimously on a voice vote.***

District 11 Hamline Midway Mixed Use Corridors 40-Acre Zoning Study - Release for public review and set a public hearing for February 13, 2015. (*Josh Williams, 651/266-6659*)

Josh Williams will give a presentation on the District 11 Hamline Midway Mixed Use Corridors 40-Acre Zoning Study at the public hearing.

***MOTION: Commissioner Oliver moved on behalf of the Neighborhood Planning Committee to release the draft for public review and set a public hearing on February 13, 2015. The motion carried unanimously on a voice vote.***

Commissioner Oliver announced that the next Neighborhood Planning Committee meeting on Wednesday, December 10, 2014 has been cancelled.

## **VIII. Transportation Committee**

Commissioner Lindeke announced that at their last meeting they heard a presentation from Paul Kurtz with the Public Works Department about the 2015 Capital Improvement Budget proposals for the 2016-2017 project applications. Also, the next Transportation Committee meeting on Monday, December 8<sup>th</sup> has been cancelled.

## **IX. Communications Committee**

Commissioner Thao had no report.

## **X. Task Force/Liaison Reports**

Commissioner Oliver reported that at the last Gateway Station Area Planning Task Force they discussed the proposed station at Earl Street. The biggest concerns were parking and how that was affected by the bus rapid transit. There will be a letter from the task force to the Planning Commission sometime next month about what to do with that station. Also, the next Gateway Station Area Planning Task Force meeting will be on January 6, 2015.

**XI. Old Business**

Commissioner Reveal asked what the status of the Downtown Parking Study was.

Donna Drummond, Planning Director, said that the mid-point will be in January and the consultants will be in town and the plan is to have them present some initial findings to the Transportation Committee and then the study should be done approximately in March. However she is not sure if it will be approved or recommended to the council.

Commissioner Reveal would like to hear what they are learning from the study at some point before the Planning Commission finalizes their action on the bicycle plan.

**XII. New Business**

None.

**XIII. Adjournment**

Meeting adjourned at 10:36 a.m.

Recorded and prepared by  
Sonja Butler, Planning Commission Secretary  
Planning and Economic Development Department,  
City of Saint Paul

Respectfully submitted,



\_\_\_\_\_  
Donna Drummond  
Planning Director

Approved \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Daniel Ward II  
Secretary of the Planning Commission

**Saint Paul Planning Commission  
City Hall Conference Center  
15 Kellogg Boulevard West**

**Minutes December 19, 2014**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, December 19, 2014, at 9:00 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. DeJoy, McMahon, Noecker, Reveal Shively, Thao, Underwood, Wang, Wencl; and Messrs. Edgerton, Gelgelu, Lindeke, Makarios, Nelson, Oliver, Wickiser.

**Commissioners Absent:** Mmes. \*McCall, \*Smitten, and Messrs. \*Barrera, \*Goodlow, \*Johnson, Rosemark

\*Excused

**Also Present:** Donna Drummond, Planning Director; Lucy Thompson, Jamie Radel, Hilary Holmes, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes November 14, 2014.**

**MOTION:** *Commissioner Reveal moved approval of the minutes of November 14, 2014. Commissioner Noecker seconded the motion. The motion carried unanimously on a voice vote.*

**II. Chair's Announcements**

Chair Wencl had no announcements.

**III. Planning Director's Announcements**

Donna Drummond reported that the Steering Committee met right before this meeting today and decided to cancel the January 2<sup>nd</sup> meeting because there are no business items. There will be a couple of zoning cases for one applicant on Tuesday, December 23, 2014. However, that applicant has agreed to wait until the January 16, 2015 meeting for a Planning Commission decision. It involves a rezoning and it will be timed so that in the end the applicant will not lose any time to get final approvals for the project. Also the annual meeting for the Planning Commission will be on January 30, 2015 which will be election of officers and presentation of the annual report.

**IV. Zoning Committee**

**SITE PLAN REVIEW** – List of current applications. *(Tom Beach, 651/266-9086)*

Two items came before the Site Plan Review Committee on Tuesday, December 16, 2014:

- Victoria Park Apartments – Phase 2, six story apartment building with 195 units at 802 Otto (Shepard Road) *Preliminary review*
- Demolition of Ramsey County Buildings, demolition of Ramsey County Jail and “West Publishing” building at 14 and 50 Kellogg Boulevard West. *Preliminary review*

One item to come before the Site Plan Review Committee on Tuesday, December 30, 2014:

- Palace Community Center, renovate and expand existing Parks Community Center at 781 Palace.

## **NEW BUSINESS**

#14-349-037 Victoria Park – Phase 2 – Conditional use permit for a 73 foot building height. 764-802 Otto Avenue, 827-1101 Shepard Road, SW corner of Otto and Shepard Road.  
(Lucy Thompson, 651/266-6578)

Commissioner Underwood noted that there are people in the audience who are opposed to this building. She asked what the permitted height is (without a conditional use permit) and why this situation warrants a conditional use permit.

Lucy Thompson, PED staff, said that the site is zoned T3M and is covered under the Victoria Park Master Plan. The T3 dimensional standards table contains a note relating to Victoria Park, which says a conditional use may be granted for a building up to 75 feet. This exception is made in order to permit compliance with the Master Plan. The staff report and draft resolution lay out a series of findings that need to be made in order to recommend approval of the conditional use permit. Staff recommended to the Zoning Committee that those findings have been met, and the Zoning Committee agreed.

Commissioner Underwood asked whether the 73 feet includes the height of the retaining wall upon which the building appears to sit.

Ms. Thompson responded that base elevations, from which building height is determined, are determined by looking at each of the building faces and averaging the ground elevation along that face. There are definitely elevations from which more of the building is visible, due to the base elevation – e.g. at the intersection of Shepard and Otto. Ms. Thompson added that the predominant height of the building is 62 feet, but there are some corner elevation pieces that are taller (73 feet).

Commissioner Underwood asked whether the proposed height includes the retaining wall referenced in the Fort Road Federation’s letter of opposition. The Fort Road Federation requested that the retaining wall be shown as part of the building height. In her conversations with district council members, part of their concern is that the base elevation of the building is actually higher than is being claimed, because of the retaining wall in that area.

Ms. Thompson said that the retaining wall is not part of the building.

Commissioner Underwood replied that the building is on top of the retaining wall and the

argument is that the retaining wall contributes to the overall height.

Ms. Thompson said that all she has is their letter and not a drawing, so she does not know what elevation they are looking at and cannot specifically respond.

Commissioner Underwood asked about the status of the Mississippi River Critical Area rule-making process, and how new rules might impact this site.

Ms. Thompson said that the site is currently in the RC4 Critical Area district. Under RC4, there are no overlay height restrictions. She does not know the status of the proposed Critical Area rules, but this site is coming in for approval under the rules that exist today. Staff reviewed consistency with the River Corridor standards and criteria, and found no need to modify any of them.

Commissioner Underwood said that her first concern was consistency with the proposed Critical Area rules and her desire to see the vision of the River Corridor come to be. She feels that this building is not consistent with that vision, so she will voting "no" on the request in order to encourage further discussion and understanding.

Ms. Thompson noted that the Victoria Park Master Plan, recommended by the Fort Road Federation in 2005, does show acceptable heights on this site of 120 feet.

Commissioner Underwood stated that she knows that it is the Zoning Committee's role to review that particular detail, and it's her understanding from the Federation that there are other concerns that are not under the Zoning Committee's purview. In order to respect those concerns, she will be voting "no."

Ms. Thompson agreed that some of the issues raised by the Federation are site plan issues. She fully intends to follow up on those.

Commissioner Lindeke asked how the proposed height of this building compares with height scale of other buildings of the Victoria Park urban Village.

Ms. Thompson said that it is taller than the two new buildings to the north (Victoria Park Phase 1) and the two crescent-shaped buildings to the north, which are generally 2-3 stories tall. She does not remember the height of the Phase 1 buildings, but they did not get a conditional use permit so that means they are no taller than 45 feet.

Commissioner Wickiser said an issue that he struggles with in a building like this is that this height makes economic sense for the developer. If the building height is lowered, the footprint has to get larger to accommodate the number of units needed to make the project financially feasible. He does not see a great solution to this other than if, as a city, they started valuing a different design that would allow them to build taller with a smaller footprint or to somehow incentivize a building type and height that makes financial sense. He thinks that they are going to continue to see buildings like this all over the city. With regards to the considerations the Zoning Committee is allowed (or required) to make, he believes it is difficult to deny the CUP request. The urban design issues raised by the Federation are generally not zoning matters. The Federation did approve 120 feet at this location. While he values the Mississippi River Critical Area, he does not see a valid basis for denial.

***MOTION: Commissioner Wencl moved the Zoning Committee's recommendation to approve the conditional use permit subject to an additional condition. The motion carried 13-1 (Underwood) on a voice vote.***

#14-348-318 Wamoua Lee – Change of nonconforming use for a two-family dwelling not owner occupied. 599 Wells Street between Edgerton and Payne. (Bill Dermody, 651/266-6617)

***MOTION: Commissioner Wencl moved the Zoning Committee's recommendation to approve the change of nonconforming use. The motion carried unanimously on a voice vote.***

Commissioner Wencl announced the items on the agenda for the next Zoning Committee meeting on Tuesday, December 23, 2014.

**V. Comprehensive Planning Committee**

Minor Zoning Text Amendments to Driveway Setback Requirements, Land Use Standards, and B, I, and T District Uses and Standards – Approve resolution recommending to Mayor and City Council for adoption. (Jamie Radel, 651/266-6614)

***MOTION: Commissioner Thao moved on behalf of the Comprehensive Planning Committee to approve the resolution recommending that the zoning text amendments be adopted by the Mayor and City Council. The motion carried unanimously on a voice vote.***

Commissioner Thao reported that at their last meeting they continued looking at creating criteria for STAR and CIB proposals for when the Planning Commission might offer suggestions for applicants that submit a proposal and want to be in compliance with the Comprehensive Plan. They also discussed the DNR Mississippi River Critical Area Rules as they are changing and evolving and heard an update from staff about the December 11<sup>th</sup> proposed changes. The next Comprehensive Planning Committee meeting will be on January 13, 2015.

**VI. Neighborhood Planning Committee**

Commissioner Oliver had no report, but said that their next meeting is scheduled on Wednesday, January 7, 2015.

**VII. Transportation Committee**

Commissioner Lindeke announced the items on their agenda for the next Transportation Committee meeting on Monday January 12, 2015.

**VIII. Communications Committee**

Commissioner Thao reported that staff is working on the draft 2014 annual report. Their goal is to have the final report ready for publication at the annual meeting on January 30, 2015.

**IX. Task Force/Liaison Reports**

Commissioner Oliver announced that the Gateway Station Area Task Force had met on

December 2<sup>nd</sup>. They looked at all the different routing options for the Earl Street Station, and their next meeting is on Tuesday, January 6, 2015.

**X. Old Business**

None.

**XI. New Business**

None.

**XII. Adjournment**

Meeting adjourned at 9:31 a.m.

Recorded and prepared by  
Sonja Butler, Planning Commission Secretary  
Planning and Economic Development Department,  
City of Saint Paul

Respectfully submitted,



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Donna Drummond  
Planning Director

Approved \_\_\_\_\_  
(Date)

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Daniel Ward II  
Secretary of the Planning Commission



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6700  
Facsimile: 651-228-3220*

**Date:** November 7, 2014  
**To:** Planning Commission  
**From:** Comprehensive Planning Committee  
**Subject:** Parkland Dedication Amendments Study Draft for Public Review

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### **1. Executive Summary**

In 2007, Saint Paul adopted its current parkland dedication requirements in § 69.511 of the City's subdivision regulations based on state enabling legislation for municipal subdivision regulations. These regulations not only require parkland dedication at the time of platting, but also require parkland dedication at the time of building permits to better reflect the need for additional parkland created by new development. Parking is used as the measure of the density and intensity of the land use, which may change over time, to determine the amount of land to be dedicated at the time of building permits.

In 2012, the Planning Commission considered a code amendment to base parkland dedication at the time of platting just on the area of new lots for new development to better conform with state and federal law, and an amendment to decouple dedication at the time of building permits from parking in response to concern about the possibility of new development that may increase the need for parkland even though it has little or no parking (especially where less parking may be needed because of good transit, such as along the Green Line). Public testimony on these amendments raised questions about the legal basis for parkland dedication requirements at the time of building permits.

In 2013, the state legislature passed special legislation extending Saint Paul's authority to require parkland dedication so that it may be imposed at the time of building permits. In response, in 2014 the Planning Commission initiated a zoning study to consider amendments to move parkland dedication requirements at the time of building permits from the subdivision regulations to a more appropriate location, along with the amendments considered in 2012.

This study recommends amendments to the Saint Paul Zoning Code pertaining to parkland dedication requirements to do the following:

1. Amend § 69.511(b) to base the amount of required parkland dedication at the time of platting just on the total acreage of new lots being created for new residential, commercial, or industrial development that would create a need for additional parkland, and not on lots for which the use would be unchanged or for something that would not create a need for additional parkland.
2. Change the amount of parkland to be dedicated at the time of platting from 2% of the plat to a maximum of 9% of new lots being created for new residential and mixed-use development and 4% of new lots being created for new commercial or industrial development. If land is not wanted by the City, a fee in lieu of land would be paid at the time of building permits.

3. Move parkland dedication requirements that apply at the time of building permits from Zoning Code Chapter 69, Subdivision Regulations, to Chapter 63, Regulations of General Applicability, because they apply to building permits that may be unrelated to a new plat.
4. Decouple the parkland dedication requirement at the time of building permits from parking, and replace it with different measures of density and intensity of use that are always known and easy to track, so that even if a development has no parking there might still be a parkland dedication requirement, and so that the amount of the requirement is a reasonable portion of the buildable land proportionate to the need for parkland created by the development as required by state law.
  - Base the residential requirement on the increase in number of dwelling units on the parcel, with a parkland dedication requirement of 150 sq. feet per additional dwelling unit and a fee in lieu of land of \$1,200 per additional dwelling unit.
  - Base the commercial/industrial requirement on the increase or change in use of floor area, with a scale that reflects parkland need generated by the number of employees per 1,000 sq. feet of gross floor area generally associated with the commercial or industrial use type, with a fee in lieu of land equal to the value of the land that would otherwise be dedicated, and with an exemption for an increase or change in use of less than 5,000 sq. feet of floor area.
5. Change the maximum amount of land to be dedicated at the time of building permits for residential/mixed-use projects from 7% to 4.5% of the total area of the development parcel, and change the maximum fee in lieu of land from 33% to 100% of the value of the land that would otherwise be dedicated.
6. Change the maximum amount of land to be dedicated at the time of building permits for commercial/industrial projects from 2% to 0.5% of the total area of the development parcel, and change the maximum fee in lieu of land from 33% to 100% of the value of the land that would otherwise be dedicated.
7. Maintain the existing provision for prorated parkland dedication requirements for affordable housing units based on the affordability requirements placed on the unit.
8. Institute an administrative fee of 5% of the dedication requirement up to \$1,000 to offset city costs to administer the parkland dedication program.

## **2. Background**

### **2.1 Original parkland dedication ordinance in 2007**

In 2007, Saint Paul's current parkland dedication requirements in § 69.511 of the City's subdivision regulations were adopted based on the enabling legislation for municipal subdivision regulations in Minnesota Statutes § 462.358. It is unique in the State of Minnesota in that it is the only parkland dedication ordinance containing a two-part parkland dedication requirement:

1. § 69.511(b), *Parkland dedication at the time of platting*, a standard base 2% of the land at the time of platting that applies to all platting of land for residential, commercial, or industrial development; *plus*

2. § 69.511(d), *Parkland dedication at the time of building permits*, up to an additional 7% of the land at the time of building permits for residential, commercial, or industrial development based on the type, intensity, and density of the use of the land.

The legislative history of § 69.511 explains its unique two-part dedication requirement. The original language for § 69.511, based on the work of a consultant hired with funds provided by Friends of the Parks and Trails, was first considered by the City Council at a public hearing in 2006. It would only have applied to “platting of land for residential development that will increase the number of dwelling units.” It would not have applied when there is no proposed new plat and would not have applied to building permits.

There was opposition to the 2006 draft parkland dedication ordinance at the City Council hearing, from neighborhood development corporations and the Chamber of Commerce, contending that it would often be unreasonable, unfair, and disproportionate to any need for additional parkland created by new development. They noted, for example, that there would be a large parkland dedication requirement for a small townhouse project that needs to plat land under each unit to create separate ownership parcels, while there would be no parkland dedication requirement for a large new apartment building that was likely to create a greater need for additional parkland, but would not need a new plat. They also noted that Saint Paul, with more parkland than similar cities and substantially lower population than in the 1950s, generally does not need more parkland.

The draft ordinance was changed in response to the testimony. First, the parkland dedication requirement for residential plats was reduced. Second, it was broadened to also apply to commercial and industrial plats. Third, it was broadened to also require parkland dedication at the time of building permits, even when no new subdivision of land is involved. The result was a set of requirements to generate roughly the same amount of overall parkland dedication as the original ordinance, but to spread the requirements out over a larger number of projects.

The rationale for part of the parkland dedication requirement at the time of building permits was that it would help better meet the legal requirement in Minn. Stat. 462.358, Subd. 2c that the required “fee or dedication must bear a rough proportionality to the need created by the proposed subdivision or development.” This depends on the type, intensity, and density of the use of the land, something that may not be accurately known at the time of platting and that changes over time. The idea was that if land use changes from commercial or industrial to residential, or from low-density residential to high-density residential, it is reasonable to require parkland dedication to meet increased need created by the change in use.

## 2.2 Amendments considered in 2011-1012

In 2011, the Planning Commission initiated a zoning study to consider the following amendments to the parkland dedication requirements in § 69.511 of the subdivision regulations:

1. An amendment to § 69.511(b) to base the amount of required parkland dedication at the time of platting just on the total acreage of new lots being created for new residential, commercial, or industrial development that would create a need for additional parkland, and not on lots for which the use would be unchanged or for something that would not create a need for additional parkland, bringing the text of this code requirement into greater conformance with state and federal law, consistent with City Council variance decisions; and
2. Amendments to § 69.511(d) to decouple the parkland dedication requirement at the time of building permits from parking, and replace it with different measures of density and intensity

of use that are always known, easy to track, and would result in a roughly similar amount of parkland dedication so that even if a development has no parking there would still be a parkland dedication requirement, and so that the requirement is proportionate to the need for parkland created by the development as required by state law.

In 2012, the Planning Commission held a public hearing on the draft amendments at which broader issues were raised about the scope, amount, and consistency with state and federal law of the City's parkland dedication requirements, including the legal basis for parkland dedication requirements at the time of building permits.

### 2.3 Special legislation in 2013

In 2013, the state legislature enacted special legislation 2013 Minn. Laws chap. 85, art. 5, sec. 44 allowing the City to require the dedication of land or a fee for parks at the time of building permits. The special legislation states:

*The city of St. Paul may require that a reasonable portion of land be dedicated to the public or impose a dedication fee in conjunction with the construction permit required for new housing units and new commercial and industrial development in the city, wherever located, for public parks, playgrounds, recreational facilities, wetlands, trails, or open space. The dedication of land or dedication fee must be imposed by an ordinance enacted by the city council. The cash fee may be set at a flat fee rate per net new residential unit. The ordinance may exclude senior housing and affordable housing from paying the fee or the dedication of land. The provisions of Minnesota Statutes, section 462.358, subdivisions 2b, paragraph (b); and 2c, apply to the application and use of the dedication of land or the dedication fee.*

With the new special legislation extending authority for parkland dedication so that it may be imposed at the time of the building permits, in connection with the provisions and requirements in Minn. Stat. § 432.358, the City Attorney's Office has made the following determination.

- The City can require parkland dedication either at the time a new subdivision is platted or at the time of building permits, but for an individual property it is one or the other. It cannot be required at both times.
- The City can require dedication of parkland or cash in lieu of land, but for an individual property it is one or the other. It cannot require both dedication of parkland and cash in lieu of land.

### 2.4 Revised amendments based on special legislation

On January 24, 2014, the Planning Commission initiated a zoning study to consider the following amendments to parkland dedication requirements based on the revised enabling legislation:

1. An amendment to § 69.511(b) of the Subdivision Regulations to base the amount of required parkland dedication at the time of platting just on the total acreage of the new lots being created for new residential, commercial, or industrial development that would create a need for additional parkland, and not on lots for which the use would be unchanged or for something that would not create a need for additional parkland; and
2. Legislative Code amendments to remove existing language pertaining to parkland dedication requirements at the time of building permits from § 69.511 of the subdivision regulations, and to replace it with new requirements in the appropriate section of the City Legislative

Code for reasonable land dedication or impact fees for parks at the time of building permits that may be unrelated to any new subdivision, based on the new state law that provides for this.

### **3. Legal Basis for Parkland Dedication Requirements**

#### *3.1 Constitutional requirements*

The “Takings Clause” of the Fifth Amendment of the United States Constitution provides that private property “shall not be taken for public use, without just compensation.” The Takings Clause does not prohibit the taking of private property. Instead, it places a condition on the exercise of that power.

The Minnesota Constitution contains similar language: “private property shall not be taken, destroyed or damaged for public use without just compensation.” In Wensmann Realty, Inc. v. City of Eagan, 734 N.W.2d 623 (Minn. 2007), the Minnesota Supreme Court, noted that “the language of the Takings Clause of the Minnesota Constitution can be construed to provide broader protections than the Takings Clause of the U. S Constitution.” For instance, in Westling v. County of Mille Lacs, 581 N.W.2d 815 (Minn. 1998) it was held that the Taking’s Clause purpose “is to ensure that the government does not require some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.”

#### *3.2 United States Supreme Court decisions*

The terms “essential nexus” and “rough proportionality” are legal tests associated with two seminal takings cases.

“Essential nexus” describes a “takings” test first adopted by the United States Supreme Court in 1987 in Nollan v. California Coastal Commission, 483 U.S. 825 (1987). The Nollan Court found that the California Coastal Commission’s approval of a building permit conditioned on the Nollan’s providing a public easement over their beachfront property constituted a “taking,” which required payment of just compensation because the Commission could not establish an “essential nexus” between the Commission’s legitimate interests and the extent of the imposed condition. The Nollan Court stated “the lack of nexus between the Commission’s condition and the original purpose behind the Commission’s restriction converts that purpose to an “out and out plan of extortion.” *Id.*, at 837, (citation omitted).

The essential nexus between legitimate governmental interests and the regulations imposed to advance those interests in takings cases was subsequently determined in Dolan v. City of Tigard, 114 U.S. 374 (1994). In Dolan, a plumbing supply store owner wanted to pave an existing parking lot and expand the store. The property was bounded by a small stream along the back of the property. The city approved the owner’s plans subject to a condition that a portion of the property abutting the stream was dedicated a for a public greenway to minimize flooding which, the city reasoned, would occur due to the increase in impervious surfaces from the expanded building and paved parking lot. The city also required the property owner to dedicate a 15-foot wide bike path easement adjacent to the greenway in order to relieve traffic congestion.

The Dolan Court, guided by the doctrine of “unconstitutional conditions,” which holds that the “government may not require a person to give up a constitutional right [here the right to receive just compensation when property is taken for a public use] in exchange for a discretionary benefit conferred by the government where the property sought has little or no relationship to the

benefit,” *Id.*, at 385. The Court then proceeded to apply “the second part of our [Nollan essential nexus] analysis [which] requires us to determine whether the degree of exactions demanded by the city’s permit conditions bears the required relationship to the projected impact of petitioner’s proposed development.” *Id.*, at 388. To answer this test, the *Dolan* Court crafted the term “rough proportionality” to describe how to examine municipal findings to determine whether “the required dedication is related both in nature and extent to the impact of the proposed development. *Id.*, at 391. Rough proportionality, the Court reasoned, “best encapsulates what we hold to be the requirement of the Fifth Amendment.” *Id.* The Court ultimately found the city’s approval conditions to constitute a taking because the city failed to show the necessary relationship between the building expansion and parking lot plans and its requirements to dedicate a floodplain easement and bike path to the public. The Court closed its opinion noting “a strong desire to improve the public condition [will not] warrant achieving the desire by a shorter cut than the constitutional way of paying for the change.”

### 3.3 Minnesota Supreme Court 1976 decision on a parkland dedication ordinance

In *Collis v. City of Bloomington*, 246 N.W.2d 19 (1976), the Minnesota Supreme Court specifically considered whether a municipal parkland dedication ordinance constituted a taking without just compensation in violation of the United States and Minnesota Constitutions and addressed the constitutionality of the parkland dedication provisions in Minn. Stat. § 462.358. Holding the parkland dedication ordinance constitutional, the Court observed the following about the legal underpinnings of Minn. Stat. § 462.358:

“While in general subdivision regulations are a valid exercise of the police power, made necessary by the problems subdivisions create - i.e., greater needs for municipal services and facilities -, the possibility of arbitrariness and unfairness in their application is nonetheless substantial: A municipality could use dedication regulations to exact land or fees from a subdivider far out of proportion to the needs created by his subdivision in order to avoid imposing the burden of paying for additional services on all citizens via taxation. To tolerate this situation would be to allow an otherwise acceptable exercise of police power to become grand theft. But the enabling statute here prevents this from occurring by authorizing dedication of only a ‘reasonable portion’ of land for the purposes stated. We therefore hold the statute as constitutional.” *Id.*, at 26.

In upholding Bloomington’s parkland dedication ordinance, the Court noted that Minn. Stat. § 358 authorizes dedication of only “a reasonable portion of the buildable land” for parks and because the Bloomington ordinance said only that “as a general rule it is reasonable to require” dedication of up to 10% of the land or payment of up to 10% of the undeveloped land value, the dedications requirements of the Bloomington ordinance were “not unconstitutional on their face” largely because the provisions of the ordinance they may be applied to a property owner “are always subject to judicial review.” *Id.*, at 27. The *Collis* decision remains good law today.

The *Collis* decision is also noteworthy because it interpreted the term “reasonable portion” to mean “that portion of land which the evidence reasonably establishes the municipality will need to acquire for the purposes stated as a result of the approval of the subdivision.” *Id.*, at 26.

### 3.4 Minnesota enabling legislation for municipal parkland dedication requirements

Minn. Stat. § 462.358 gives municipalities authority to require dedication of a reasonable portion of the buildable land in new land subdivisions for use as public parks without having to

pay for the land. The statute also provides, under certain circumstances, that the dedication may take the form of cash in lieu of land so long as cash payment is equivalent to the value of the land required to be dedicated. 2013 Minnesota Laws, chap. 85, art. 5, sec. 44 extended this authority by allowing the City of Saint Paul to impose parkland dedication requirements or a fee in lieu thereof in conjunction with construction permits for new housing units and new commercial and industrial development.

Minn. Stat. § 462.358, Subd. 2c, entitled "*Nexus*," states that "the fee or dedication must bear a *rough proportionality* to the need created by the proposed subdivision or development." In 1980 the Minnesota legislature adopted the '*reasonable portion*' test from *Collis, Id.*, as part of Minnesota subdivision law. Today Minn. Stat. § 462.358, Subd. 2b(a), reads in pertinent part: "the regulations may require that a reasonable portion of the buildable land" be dedicated, and in Subd. 2b(e), "the municipality must reasonably determine that it will need to acquire that portion of land for the purposes stated... as a result of approval of the subdivision."

Implicit in this statutory language is the principle that if a new subdivision or development does not create a need for additional parkland, for example the area in and around the new subdivision is already adequately served by existing parks or because the new subdivision is for a use that would not increase the need for parkland, the municipality does not have the legal authority to require a land dedication for public parks or a payment of cash in lieu thereof. As noted in *Collis*, subdivision land dedications must be based "of necessity, [upon] a facts-and-circumstances test, but it is the only kind of test that will consider the myriad of factors which may bear on a municipality's needs for certain kinds of facilities and the relationship of a particular subdivision to those needs." *Id.*, 246 N.W.2d at 26.

#### **4. Analysis**

Parkland dedication requirements need to meet constitutional standards reflected in state and federal court rulings and standards set by state legislation. They also need to be in keeping with market conditions and reflect City needs.

St. Paul has been essentially fully developed since the 1950s. Even with new development and redevelopment in recent years, the 1960 population of 313,411 was about 10% more than the 2010 population of 285,068. The Parks and Recreation Plan Chapter of the *Saint Paul Comprehensive Plan* adopted in 2010 states that "with 4,123 acres of parks, approximately 11% of Saint Paul's total land area is devoted to City parkland. When County, State, and Federal parkland is added in, over 20% of Saint Paul's land consists of park and natural areas."

Population is a primary factor in need for parkland. Trust for Public Land statistics (based on 3974 park acres/11.7% of land area) show that St. Paul has nearly twice the median amount of parkland per capita for cities with similar population density.

When the parkland dedication ordinance was adopted in 2007, the case was made that the need for parkland for an individual subdivision or development is not only a matter of the amount of parkland in the city as a whole, but is also dependent on the distance to parkland from the particular site and the type, intensity, and density of development of the site. It was noted that its main purpose was to provide for dedication of parkland where new higher density residential development creates a need for additional neighborhood or community parks in close proximity to that particular location. Analysis in 2006 was that even major redevelopment projects would not create a need for additional land in the city for regional parks, which already account for over 7% of St. Paul land area.

New development and redevelopment projects impact the need for small parks and ornamental spaces, neighborhood parks, and, to some extent, community parks, which together are currently about 3% of city land area. This is particularly true for high-density residential development, but, to a lesser degree, is also the case for higher-density commercial or industrial development.

The maximum amount of parkland dedication currently required in § 69.511(d) for commercial and industrial development is less than the maximum amount required for residential development. This reflects the difference in need for parkland created by these uses, a common practice in parkland dedication ordinances that have parkland dedication requirements for commercial and industrial subdivisions. This is also consistent with the state enabling legislation requirement that the dedication must be roughly proportionate to the need created by the development.

**4.1 Assumptions**

- New development impacts the need for new neighborhood-scale (mini, urban, and neighborhood parks) and contributes to the need for additional community-scale parkland as defined in the 2010 Park & Recreation System Plan.
- The current level of service for these types of parks, in terms of park area per dwelling unit and per employee, is generally the level of service that the City wants to maintain.
- Residential development contributes to 90% of the demand for park space; commercial/ industrial development contributes 10% of the demand for park space.

**Table 4-1: Park Standards by Dwelling Unit and Employee**

	<b>Total</b>	<b>Residential</b>	<b>Commercial/ Industrial</b>
Demand Generated for Parkland	100%	90%	10%
<i>Parkland by Type (acre)</i>			
Neighborhood (100%)	427	384	43
Community (5%)	18	16	2
Total (acres)	445	400	45
Total (sq. ft.)	19,384,200	17,424,000	1,690,200
# of Dwelling Units <sup>1</sup>	120,653		
# of Employees <sup>2</sup>	173,732		
<i>Current Standard</i>			
Parkland/Dwelling Unit		145 sq. ft.	
Parkland/Employee			11 sq. ft.

<sup>1</sup> Number of dwelling units in Saint Paul as reported by the American Community Survey, 2008 - 2012

<sup>2</sup> Number of employees in Saint Paul as reported for 2013 by DEED.

4.2 Residential Dedication at the time of Building Permits

Based on the above analysis, the recommendation is to allow for the City and developer to mutually agree to provide 150 sq. ft. of land per dwelling unit, or otherwise a \$1,200 per-dwelling-unit fee in lieu of land would be required. The 2013 special legislation grants the City the ability to charge a city-wide flat fee per residential dwelling unit<sup>3</sup>.

The \$1,200 cash in lieu of payment per dwelling unit was determined by multiplying the current park standard/dwelling unit by the city-wide average per square foot land value.

$$(145 \text{ sq. ft. of parkland/dwelling unit}) \times (\$8.25/\text{sq. ft.}^4) = \$1,196$$

The dedication requirement would be based on the net increase in residential dwelling units on the development parcels up to a maximum amount of dedication, which is discussed below.

4.3 Commercial/Industrial Dedication at the time of Building Permits

The recommendation for commercial/industrial projects is to allow for the City and a developer to mutually agree on a dedication of land, which would be based on the parkland need generated by the number of employees for four general types of uses. Based on the analysis above, each employee in Saint Paul generates a need for about 11 sq. ft. of parkland. Table 4-3 shows how that translates to use types. Uses with more employees would be required to contribute more toward parkland dedication.

**Table 4-3 Commercial/Industrial Parkland Need by Use**

Commercial/Industrial Parkland Need by Use	# of Employees/ 1,000 sq. ft. of building GFA*	Parkland Need/1,000 sq. ft. building GFA
Commercial (offices, medical facilities, retail/services, limited production/processing)	2.50	28 sq. feet
Industrial (manufacturing, brewery, greenhouse, etc.)	1.00	11 sq. feet
Wholesale	0.67	7 sq. feet
Warehousing & Storage	0.33	4 sq. feet

\*Gross floor area

It is also recommended that a commercial/industrial project must be at least 5,000 sq. ft. before it would be required to dedicate parkland or contribute the fee in lieu of land.

4.4 Dedication at the time of Building Permits for Mixed-Use Development

Mixed-use development will be required to meet the standards for both the residential and commercial components of the development, and the maximum requirement would be the same as for residential uses.

<sup>3</sup> Under § 60.205, a dwelling is defined as: "One (1) or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with a single complete kitchen facility (stove and/or oven, refrigerator, and sink), sleeping area, and bathroom provided within the unit for the exclusive use of a single household." Thus congregate care facilities, such as nursing homes, would not be required to pay parkland dedication fees.

<sup>4</sup> Determined using Ramsey County Tax Records (June 2014) for properties identified as not tax exempt and having an estimated market value for land greater than \$0, and rounded to the nearest \$0.25.

#### 4.5 Maximum Dedication of Land or Cash in Lieu Requirement

The state legislation allowing the City to require parkland dedication at the time of building permits grants authority to require dedication of a “reasonable portion” of land or a fee in lieu of the land. It is connected to the State’s parkland dedication enabling legislation for new subdivisions that states: “The municipality must reasonably determine that it will need to acquire that portion of land for the purposes stated in this subdivision<sup>5</sup> as a result of the approval... (Minn. § 462.358 Subdiv. 2b(e)).” To meet the “reasonable portion” requirement as well as reflect market conditions in the City, the recommendation is for maximum parkland dedication requirements as follows:

- **New Residential or Mixed-Use Development:** A maximum of 4.5% of the buildable land or fee in lieu of 4.5% of the county assessor’s estimated market value of the parcel of land.
- **New Commercial & Industrial Development:** A maximum of 0.5% of the buildable land or fee in lieu of 0.5% of the county assessor’s estimated market value of the parcel of land.

Downtown parks are an example of the types of neighborhood- and community-scale parks needed for higher-density development. The approximately 275 acres of developable land in the downtown core (Chestnut St. to Hwy. 52 and I-94 to the river) includes approximately 13 acres of parkland, which equates to 4.7% of developable land. Based on this, 4.5% of buildable land is a “reasonable portion” of the land or value thereof to require for parkland dedication.

Parkland dedication at the time of building permits is currently capped at 2% for commercial/industrial development and 7% for residential or mixed-use including residential development, and cash in lieu of land is one-third of the estimated market value (EMV) of the land that would otherwise be dedicated. This is equal to approximately 2.3% of EMV for residential development and 0.7% of EMV for commercial/industrial development.

The proposed 4.5% of EMV maximum dedication payment for residential and mixed-use development and 0.5% of EMV for commercial/industrial development would be an increase in the maximum payment for residential development and a slight decrease in the maximum payment for commercial/industrial development, which re-aligns the fee in lieu with demand generated by residential versus commercial development.

#### 4.6 Administrative Fee

The recommendation is to establish an administrative fee of the lesser of 5% of the cash in lieu fee or \$1,000 to offset the costs associated with administering the parkland dedication program, including determining the dedication requirement, accounting for the parkland dedication fund, and tracking fees. This includes staff time and benefits, and overhead costs for office space and information technology resources. Minneapolis included this as part of its parkland dedication ordinance. Further analysis of parkland dedication administration costs will be done to determine if this is the correct fee level.

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<sup>5</sup> Stated purposes include land for parks, recreation facilities, playgrounds, trails, wetlands, or open space.

## **5. Recommendation**

The Comprehensive Planning Committee recommends that the Planning Commission release the following draft zoning code amendments for public review and set a Planning Commission public hearing for January 16, 2015.

### **Chapter 69. Zoning Code - Subdivision Regulations**

#### ARTICLE V. GENERAL REQUIREMENTS AND DESIGN STANDARDS

##### **Sec. 69.511. Parkland dedication requirements.**

~~(ab) Parkland dedication requirement at the time of platting. Pursuant to Minn. Stat. Sec. 462.358, Subd. 2, as amended and as otherwise provided below, for platting of land for residential, commercial, or industrial development, the property owners, subdividers or developers shall dedicate two (2) percent of the total acreage of the plat a reasonable portion of the buildable land may be required to be dedicated or conveyed to the city on a one time basis, prior to or at the same time as recording the final plat, for the purposes listed in subdivision (a) of this section public use for parks, playgrounds, recreation facilities, trails, wetlands, or open space needed as a result of the plat, to a maximum of nine (9) percent of the total acreage of new lots that are being created for new residential or mixed-use development and to a maximum of four (4) percent of the total acreage of new lots that are being created for new commercial or industrial development. Land so dedicated shall be within the plat and/or, subject to agreement by the city council and the subdividers, in close proximity to the plat.~~

~~(a) Generally. Pursuant to Minn. Stat. Sec. 462.358, Subd. 2, as amended and as otherwise provided below, for subdivision and development of land, the owners, subdividers, or developers of the land shall convey to the city or dedicate to the public use a reasonable portion of the land for public use for parks, playgrounds, trails, open space, or conservation purposes. The city council shall determine the amount, location, and configuration of any land dedicated, taking into consideration the suitability and adaptability of the land for its intended purpose, future needs of the proposed development, and the following criteria:~~

- ~~(18) The parkland standards in Sec. 63.702 for future development of the plat, and whether the development Priority will be given to areas that are under-served by parks due to distance to existing parks, population density, or inadequate size of existing nearby parks;~~
- ~~(24) Conformance with the city's adopted comprehensive plan and development or project plans for sub-areas of the city, and ; (2) areas identified for park or open space conservation purposes in an adopted city, regional, state, or national plan;~~
- (3) Areas that connect existing components of the open space network;
- (4) Areas adjacent to existing public parks, trails, or open space;
- (5) Areas representing significant landforms, native plant communities, sensitive habitat, or historical events;
- (6) Areas containing vegetation identified as endangered or threatened, or that provide habitat for animals identified as endangered, threatened, or of special concern under 15 U.S.C. §1531 et. seq. or Minn. Stat. § 84.0895, and rules adopted under these respective laws;

- (7) Availability and commitment of resources, public and/or private, to develop, operate, and maintain the new park land;
- (89) Land to be dedicated shall be large enough for its intended purpose;
- (910) Land dedicated solely for roadway, stormwater retention, or utility purposes, or otherwise unsuitable for the purposes listed above, shall not be accepted;
- (104) Dedicated land shall be accessible to the public served unless the city council determines that the dedicated land is an environmentally or ecologically sensitive area for which public access would be detrimental.

(b) One-time basis of parkland dedication requirements. Once parkland has been dedicated or conveyed to the city under this section to meet the needs for parkland created by the plat, there shall be no further parkland dedication requirement under Sec. 63.701 at the time of building permits. If the property is later re-platted, or if a requirement for parkland dedication or a fee in lieu has previously been imposed at the time of building permits, the amount of parkland to be dedicated shall be based on the area of new lots and additional development for which parkland dedication or a fee in lieu has not previously been required.

~~(c) Parkland dedication option; land and/or cash dedication. At the discretion of the city council, the owners, subdividers, or developers of property subject to this section shall contribute an amount of cash, prior to obtaining the city clerk's signature on the final plat, in lieu of all or a portion of the land required under subdivisions (a) and (b) of this section or an equivalent value of improvements as approved by the city council. The amount of cash shall be based upon the county assessor's estimated market value of the total acreage of the plat, at the time of city council approval of the plat, multiplied by one third of the percentage of the land that would otherwise be dedicated. In determining whether land dedication or cash in lieu thereof will be required, the city council shall consider without limitation the suitability and adaptability of land within the site for the purposes listed in subdivision (a) of this section and criteria for land dedication in subdivision (a) of this section.~~

[Provisions for the option of a fee in lieu of the dedication of parkland are moved to Chapter 63, Regulations of General Applicability.]

~~(d) Parkland dedication at the time of building permits. For new residential units, commercial or industrial development, the property owners, subdividers or developers shall dedicate land or cash in lieu of land, on a one time basis, for the purposes listed in subdivision (a) of this section based on the number of additional accessory off street parking spaces, and conversion of existing commercial/industrial accessory parking to residential spaces, for the development. For residential development, the amount of land shall be one hundred (100) square feet per surface parking space and fifty (50) square feet per parking space within a structure, to a maximum of seven (7) percent of the total land area of the property. For commercial and industrial development, the amount of land shall be thirty (30) square feet per surface parking space and fifteen (15) square feet per parking space within a structure, to a maximum of two (2) percent of the property. Land so dedicated shall be within or in close proximity to the development. The amount of cash in lieu of land shall be based upon the county assessor's estimated market value of the parcel of land per square foot, multiplied by one third of the square feet of land that would otherwise be dedicated. For parking spaces for dwelling units required to be affordable under Saint Paul Housing and~~

~~Redevelopment Authority or other similar financing agreements, or other contractual agreement with the city, the amount of cash otherwise required shall be multiplied by the specified percentage of Twin Cities area median income at which the unit is required to be affordable. The city council may require the land dedication option under this subdivision (d) as a condition of plat approval, and in so doing may require that the land be dedicated prior to or at the same time as recording the final plat. In all other cases, the dedication of land or cash in lieu of land required under this subdivision (d) shall be done prior to obtaining building permits for development to which the parking spaces are accessory, and the dedication of land shall be subject to agreement by the city council and the owners, subdividers or developers; without such agreement, cash shall be paid in lieu of land dedication.~~

[Requirements for parkland dedication at the time of building permits, and for a fee in lieu of the dedication of parkland, are moved to Chapter 63, Regulations of General Applicability.]

(ce) *Parkland dedication option; private land maintained for public use.* The city council may, at its discretion, waive all or a portion of the land ~~or cash~~ dedication required under subdivisions ~~(b), (c) or (d)~~ (a) of this section and enter into an agreement for the private development and/or maintenance of land for public use for parks, playgrounds, recreation facilities, wetlands, trails, or open space, ~~or conservation purposes~~ within the proposed plat, subject to the following conditions:

- (1) The land area or value of the land and improvements privately developed and maintained for public use for parks, playgrounds, trails, open space, or conservation purposes must at least equal that required under this ordinance.
- (2) Land, facilities, and improvements accepted under this provision shall be accessible to the public in a manner similar to public land.
- (3) The city council must find, after recommendation of the director of parks and recreation and the parks commission, that such land and improvements will serve the purposes listed in subdivision (a) of this section; ~~and~~.
- (4) The city and the owners, subdividers, or developers of the land must have executed a parkland development agreement insuring that specified land shall be developed and maintained by the owners, subdividers, or developers, and any and all successors in interest thereof, of any type whatsoever, which includes, but is not limited to heirs and assigns, for the purposes listed in subdivision (a) of this section. The owners, subdividers, or developers must include a covenant running with the specified land indicating that the land to be developed and maintained for the purposes listed in subdivision (a) will revert to the city in the event of a failure to comply with this requirement. When a recordable covenant concerning the ownership, maintenance or use of private areas and facilities for parkland development is required, the covenant shall be submitted to the city for approval. Such covenant shall be recorded prior to or at the same time as the final plat when related to requirements under subdivision (ab) of this section, ~~and prior to obtaining building permits when related to requirements under subdivision (d) of this section.~~

(df) *Parkland dedication; conveyance standards.* Prior to dedication and conveyance of the required property to the city, the owners, subdividers or developers shall provide the city with an acceptable abstract of title or registered property abstract for all land dedicated for park purposes, evidencing good and marketable title without liens or encumbrances of any

kind except those encumbrances which the city council has approved or required in connection with the proposed plat. The foregoing abstracts shall otherwise evidence good and marketable title free and clear of any mortgages, liens, encumbrances, assessments and taxes. For any dedication of land required under subdivision (ab) of this section that is not formally dedicated to the city with the final plat, the landowner shall record all deeds for conveyance of the property to the city prior to or at the same time as recording the final plat. For any dedication of land required under subdivision (d) of this section, the landowner shall record all deeds for conveyance of the property to the city prior to obtaining building permits for the development.

~~(g) Parkland dedication; parkland development special fund created. There is hereby established a parkland development special fund. All funds collected pursuant to the parkland dedication process shall be deposited in the parkland development special fund and used solely for the acquisition and development or improvement of lands dedicated for public use for parks, playgrounds, trails, open space, or conservation purposes in the planning district of the subdivision or development for which the funds were collected, or in an adjacent planning district within one half mile of the subdivision or development. Such funds may not be used for ongoing operations or maintenance. All fund expenditures shall be approved by the city council upon recommendation of the director of parks and recreation in consultation with the parks and recreation commission. Expenditures from the parkland development special fund shall be in conformance with the city's adopted comprehensive plan and development or project plans for sub-areas of the city, and shall be consistent with other applicable criteria in subdivision (a) of this section. Payments made to satisfy the requirements of this section shall be made separately from any payments for building permits or any other payment.~~

[Moved to Chapter 63, Regulations of General Applicability.]

## Chapter 63. Zoning Code – Regulations of General Applicability

### ARTICLE VII. 63.700 PARKLAND DEDICATION

#### **Sec. 63.701. Parkland dedication requirement.**

Pursuant to Laws of Minnesota 2013, Chapter 85, Section 44, for development that increases the number of residential dwelling units and/or increases the floor area of commercial and/or industrial buildings on a parcel of land, a reasonable portion of the buildable land, proportionate to the additional need for parks created by the development, may be required to be conveyed to the city, or a fee in lieu of land shall be paid to the city, on a one time basis, prior to the issuance of building permits, for public use for neighborhood- and community-scale parks, playgrounds, recreation facilities, trails, wetlands, or open space needed as a result of the development, based on the following standards. Land conveyed or dedicated for this purpose shall be in close proximity to the development, and the conveyance of land to the city shall be subject to agreement by the city council and the developer. Without such agreement, a parkland dedication fee shall be paid to the city in lieu of the land.

(a) For an increase in the number of residential dwelling units on a parcel of land, the amount of land conveyed or dedicated for this purpose shall be one hundred fifty (150) square feet per

additional dwelling unit, to a maximum of 4.5% of the buildable land, and the fee in lieu of land shall be twelve hundred dollars (\$1,200) per additional dwelling unit, to a maximum of 4.5% of the county assessor's estimated market value of the land on which the development is built.

- (b) For an increase or change in use of gross floor area for commercial and/or industrial use on a parcel of land, the amount of land conveyed or dedicated for this purpose shall be based on the additional floor area and/or change in use as follows, to a maximum of 0.5% of the buildable land, and the fee in lieu of land shall be the county assessor's estimated market value of the land that would otherwise be conveyed or dedicated, to a maximum of 0.5% of the county assessor's estimated market value of the land on which the development is built. An increase or change in use of less than five thousand (5,000) square feet of gross floor area shall be exempt from this requirement.

Table 63.701. Parkland Dedication for Commercial and Industrial Development

<u>Land Use</u>	<u>Parkland Dedication Requirement</u>
<u>Commercial</u>	<u>28 square feet per 1,000 square feet of GFA</u>
<u>Industrial</u>	<u>11 square feet per 1,000 square feet of GFA</u>
<u>Wholesale</u>	<u>7 square feet per 1,000 square feet of GFA</u>
<u>Warehousing &amp; Storage</u>	<u>4 square feet per 1,000 square feet of GFA</u>

- (c) For mixed residential and commercial/industrial development that increases the number of residential dwelling units and/or increases the floor area of commercial and/or industrial buildings on a parcel of land, the amount of land conveyed or dedicated for this purpose shall be the sum of the amount for each use based on the standards in (a) and (b) above, to a maximum of 4.5% of the buildable land, and the fee in lieu of land shall be the shall be the sum of the fee in lieu for each use based on the standards in (a) and (b) above, to a maximum of 4.5% of the county assessor's estimated market value of the land on which the development is built.

- (d) Reduced parkland dedication fee for affordable housing. For dwelling units required to be affordable under Saint Paul Housing and Redevelopment Authority or other similar financing agreements, or other contractual agreement with the city, the parkland dedication fee otherwise required shall be shall be multiplied by the specified percentage of Twin Cities area median income at which the dwelling unit is required to be affordable.

[Moved here from § 69.511(d).]

- (e) The city council shall determine the amount, location, and configuration of any land dedicated, taking into consideration the suitability and adaptability of the land for its intended purpose, future needs of the proposed development, and the criteria identified in Sec. 69.511(a) 1-10 of this code.
- (f) One-time basis of parkland dedication requirements. Once the maximum parkland dedication requirement under this section has been conveyed through the dedication of land or the payment of a dedication fee, there shall be no further parkland dedication requirement at the time of building permits. Should the property change uses from a use with a lower maximum dedication requirement to that with a higher maximum dedication requirement,

the maximum dedication requirement for the new development shall be the difference between the higher and lower maximum dedication requirement.

**Sec. 63.702. Parkland dedication option; private land maintained for public use.**

The city council may, at its discretion, waive all or a portion of the land or cash-dedication required under section 63.701 and enter into an agreement for the private development and/or maintenance of land for public use for parks, playgrounds, recreation facilities, wetlands, trails, or open space subject to the following conditions:

- (a) The land area or value of the land and improvements privately developed and maintained for public use for parks, playgrounds, trails, open space, or conservation purposes must at least equal that otherwise required under section 63.701.
- (b) Land, facilities, and improvements accepted under this provision shall be accessible to the public in a manner similar to public land.
- (c) The city council must find, after recommendation of the director of parks and recreation and the parks commission, that such land and improvements will serve the purposes listed in section 63.701.
- (d) The city and the owners or developers of the land must have executed a parkland development agreement insuring that specified land shall be developed and maintained by the owners or developers, and any and all successors in interest thereof, of any type whatsoever, which includes, but is not limited to heirs and assigns, for the purposes listed in section 63.701. The owners or developers must include a covenant running with the specified land indicating that the land to be developed and maintained for the purposes listed in section 63.701 will revert to the city in the event of a failure to comply with this requirement. When a recordable covenant concerning the ownership, maintenance or use of private areas and facilities for parkland development is required, the covenant shall be submitted to the city for approval. Such covenant shall be recorded prior to obtaining building permits for the development.

**Sec. 63.703. Administrative fee.**

An administrative fee of five (5) percent of the parkland dedication fee, to a maximum of one thousand dollars (\$1,000) per project, shall be paid by the building permit applicant to the city prior to permit issuance.

**Sec. 63.704. Parkland dedication conveyance standards.**

Prior to conveyance of the property to the city, the owners or developers shall provide the city with an acceptable deed of all land dedicated for park purposes, evidencing good and marketable title without liens or encumbrances of any kind except those that the city council has approved. The foregoing deed shall otherwise evidence good and marketable title free and clear of any mortgages, liens, encumbrances, assessments and taxes. The landowner shall record all deeds for conveyance of the property to the city prior to receiving building permits for the development.

**Sec. 63.705. Parkland dedication; parkland development special fund.**

All parkland dedication fees collected pursuant to this article, excluding administrative fees collected under Sec. 63.703, shall be deposited in the parkland development special fund created pursuant to this article, and shall be used solely for the acquisition, development, or improvement of public parks, playgrounds, recreation facilities, wetlands, trails, or open space within the city.

Funds collected shall be used for the aforementioned purposes within one-half (1/2) mile of the project for which the funds were collected or for the neighborhood or community park nearest to the project. Use of the funds collected for a project shall be documented and reported annually to the owner and developer of the project until use of all of the funds has been reported. Such funds may not be used for ongoing operations or maintenance. All fund expenditures shall be approved by the city council by resolution. Expenditures from the parkland development special fund shall be in conformance with the city's adopted comprehensive plan and development or project plans for sub-areas of the city. Payments made to satisfy the requirements of this section shall be made separately from any payments for building permits or any other payment to the city.

## **Chapter 61. Zoning Code – Administration and Enforcement**

### ARTICLE IV. 61.400 SITE PLAN REVIEW

#### **Sec. 61.402. Site plan review by the planning commission.**

...

*(b) Site plan application:*

...

- (6) Pre-application consultation. A pre-application consultation shall be held for residential, commercial, or industrial development on sites greater than 10 acres in area, abutting existing public parkland, without a park within a one-half (1/2) mile radius of the site, or within one-quarter (1/4) mile of the Green Line to discuss parkland dedication requirements and options. Development on land that has been platted within two (2) years or for which parkland has been dedicated as part of platting shall be exempt from this requirement.

## Cash in Lieu of Land Collected Under Existing Code and Under Proposed Changes

The following tables show projects that have been or are in the process of being developed. It identifies the payment that was collected under the City's current parkland dedication ordinance and then compares it to what an uncapped payment would be and maximum payment that could be collected under the proposed revisions.

**Table 1: Residential Projects**

<i>Project Name (# of units) (EMV of land)</i>	<i>Payment Collected</i>	<i>New Uncapped Payment<sup>1</sup> (With Afford. Housing Disc.)</i>	<i>Maximum Payment (4.5% EMV Cap)</i>
The Lyric (171 units) (\$1,542,000)	\$35,980	\$205,200	\$69,390
Schmidt Brewery (121 units) (\$1,089,700)	\$21,452	\$145,200 (\$87,120)	\$49,067

**Table 2: Commercial/Industrial Projects**

<i>Project Name (Area/Type of use ) (EMV of land/Area of parcel)</i>	<i>Payment Collected</i>	<i>New Uncapped Payment<sup>1</sup></i>	<i>Maximum Payment (0.5% EMV Cap)</i>
Baldinger Bakery (133,400 sf industrial) (\$406,000/405,979 sq. ft.)	\$890	\$1,467	\$2,030
Bang Brewery (1,838 sf industrial) (\$57,500/9,583 sq. ft.)	\$180	\$0	\$288
Habitat for Humanity Office (27,600 sf commercial) (\$851,000/28,750 sq. ft.)	\$1,488	\$22,875	\$4,255

**Table 3: Mixed-Use Projects**

<i>Project Name (# of units) (area of use) (EMV of land/Area of parcel)</i>	<i>Payment Collected</i>	<i>New Uncapped Payment<sup>1</sup></i>	<i>Maximum Payment (4.5% EMV Cap)</i>
Pioneer Endicott (234 units) (31,900 sf commercial) (\$1,149,000/47,045 sq. ft.)	\$0	\$302,615 (\$280,800) (\$21,815)	\$51,705
The Penfield (254 units) (27,500 sf commercial) (\$3,255,000/94,961 sq. ft.)	\$93,844	\$331,193 (\$304,800) (\$26,393)	\$146,475
The Vintage (208 units) (39,000 sf commercial) (\$2,718,900/120,404 sq. ft.)	\$57,718	\$274,259 (\$249,600) (\$24,659)	\$122,351

<sup>1</sup> Based on gross units/building area. Housing units and/or building area previously developed were not excluded from this calculation.



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

## SITE PLAN REVIEW COMMITTEE

Tuesday, January 20, 2015  
2nd Floor Conference Room  
375 Jackson Street, Suite 218

<u>Time</u>	<u>Project Name and Location</u>
9:00	Midway YMCA 1761 University Avenue Demolish existing YMCA building and construct new three-story building

### **Applicants should plan to attend this meeting.**

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

### **Parking**

A few free parking spaces are available in our visitor parking lot off of 6<sup>th</sup> Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4<sup>th</sup> and 5<sup>th</sup> Street.

If you have questions, please contact Tom Beach at 651-266-9086 or [tom.beach@ci.stpaul.mn.us](mailto:tom.beach@ci.stpaul.mn.us).

**FOR THE FULL ZONING COMMITTEE AGENDA SECTION**

**of this packet go to the link below:**

**<http://stpaul.gov/index.aspx?NID=3436>**

**Thank you**

**Sonja Butler**

**Planning Commission Secretary/Office Assistant IV**

**1400 City Hall Annex**

**25 Fourth Street West**

**Saint Paul, MN 55102**

**651-266-6573**



**CITY OF SAINT PAUL**  
Christopher B. Coleman, Mayor

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6700  
Facsimile: 651-228-3220

DATE: December 24, 2014  
TO: Planning Commission  
FROM: Zoning Committee  
SUBJECT: Results of December 23, 2014, Zoning Committee Hearing

**NEW BUSINESS**

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
1.	<b>Fleetwood Motors ( 14-345-787 )</b> Rezone from IT Transitional Industrial to B3 General Business	Approval	Approval ( 5 - 0 )
	<b>Address:</b> 550 Como Ave SW corner at Burgess Street		
	<b>District Comment:</b> District 6 recommended approval		
	<b>Support:</b> 1 person spoke, 1 letter		
	<b>Opposition:</b> 0 people spoke , 0 letters		
	<b>Hearing:</b> closed		
	<b>Motion:</b> Approval		
2.	<b>Fleetwood Motors ( 14-344-764 )</b> Conditional use permit for outdoor used automobile sales	Approval with conditions	Approval with conditions ( 5 - 0 )
	<b>Address:</b> 550 Como Ave SW corner at Burgess Street		
	<b>District Comment:</b> District 6 recommended approval		
	<b>Support:</b> 1 person spoke, 1 letter		
	<b>Opposition:</b> 0 people spoke , 0 letters		
	<b>Hearing:</b> closed		
	<b>Motion:</b> Approval with conditions		

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

WHEREAS, Frank and Mary O’Gorman , File # 14-345-787, have applied for a rezone from IT Transitional Industrial to B3 General Business under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 550 Como Ave, Parcel Identification Number (PIN) 25.29.23.32.0144, legally described as Foundry Addition Lots 6,7 & Lot 8 Blk 6; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 23, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The owner of the property is seeking to rezone the property from the current IT (transitional industrial) designation to a B3 (general business) designation. The proposed zoning will allow for the property owner to continue his machinery component repair business he runs out of the rear portion of the principal structure as a conforming use, and to rent the front portion of the building and the parking lot to Fleetwood Motors, a used auto sales company. Outdoor auto sales is not allowed in the IT district and is a conditional use in the B3 district.
2. The proposed zoning is consistent with the way this area has developed. The property is located at the edge of an industrial corridor stretching away to the southeast along Como Avenue and the Burlington Northern Santa Fe rail line. In general, the area is characterized by a mix of residential, commercial, and industrial uses. According to Sec. 66.415 of the zoning code, the intent of the proposed B3 zoning is to *provide sites for more diversified types of businesses than those in the B1 and B2 business districts, and is intended for use along major traffic arteries or adjacent to community business districts*. The use of the proposed zoning for the subject site is consistent with this intent.
3. The proposed zoning is consistent with the Comprehensive Plan. The Future Land Use map of the comprehensive plan identifies the stretch of Como Avenue on which the property is located as a Mixed-Use Corridor. Policy LU1.46 is to *encourage the expansion of compact commercial areas in... Mixed-Use Corridors*. Policy LU1.48 is to *support compatible mixed-use within single buildings*. The proposed rezoning will allow both the existing business and a new business to operate from the subject property, consistent with both of these policies.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

In 2012, the North End-South Como District 6 Plan identified a number of zoning changes in the general area. The general intent of the recommended zoning changes and accompanying policies in the plan was to reduce the potential for conflict between adjoining land uses over time by bringing zoning into congruence with property uses where appropriate and identifying existing residential properties to be redeveloped as industrial uses as they become available. The proposed rezoning is consistent with the general intent of the plan.

4. The proposed zoning is compatible with existing uses of surrounding properties, including residential and industrial uses. The more intense commercial uses allowed under B3 zoning are generally consistent with industrial uses. The proposed rezoning from IT to B3 would make the allowed uses on the property more restrictive, per Sec. 60.307, generally increasing compatibility with residential uses.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property."* The proposed zoning of the property would neither create an island of nonconforming use nor establish a use classification inconsistent with surrounding uses; the proposed rezoning does not constitute "spot zoning".

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Frank and Mary O'Gorman to rezone from IT Transitional Industrial to B3 General Business for property at 550 Como Ave be approved.

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Fleetwood Motors, File # 14-344-764, has applied for a conditional use permit for outdoor used automobile sales under the provisions of §61.501, §61.502, and §65.706 of the Saint Paul Legislative Code, on property located at 550 Como Ave, Parcel Identification Number (PIN) 25.29.23.32.0144, legally described as Foundry Addition Lots 6,7 & Lot 8 Blk 6; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 23, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. §65.706 lists four standards that outdoor automobiles sales lots must meet in the B3 district:
  - a) *A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.* This standard can be met. The applicant has submitted a site plan which shows layout of vehicles for sale, employee and customer parking, and adequate drive lanes. The Department of Safety and Inspections (DSI) has requested that the applicant work with DSI staff to develop a site plan showing a substantially similar arrangement to what the applicant has proposed, which the zoning administrator will approve and retain on file. The lot where vehicles sales and employee and customer parking will take place is already paved. However, sales and parking areas are not striped at this time. Zoning administrator approval of a site plan and striping of the lot consistent with that site plan should be a condition of approval.
  - b) *Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.* The vehicular access to the sales area and parking is located approximately 30 feet from the intersection of Burgess Street and Como Avenue. The applicant has requested modification of this condition. §61.502 lists criteria under which the Planning Commission may modify a special condition of approval.
  - c) *No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building.* This standard can be met. The applicant has indicated no intent to conduct repair or refinishing activities on the site. A prohibition on outdoor repairs or refinishing of vehicles on site should be a condition of approval.

moved by \_\_\_\_\_

seconded by \_\_\_\_\_

in favor \_\_\_\_\_

against \_\_\_\_\_

d) *Except in the IT transitional industrial district, the minimum lot area shall be fifteen thousand (15,000) square feet. This condition is met; the lot area is over 15,000 square feet.*

2. §61.501 lists five standards that all conditional uses must satisfy:

a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. The Future Land Use map of the comprehensive plan identifies the stretch of Como Avenue on which the property is located as a Mixed-Use Corridor. Policy LU1.46 is to encourage the expansion of compact commercial areas in... Mixed-Use Corridors. Policy LU1.48 is to support compatible mixed-use within single buildings. The conditional use permit will allow both the existing business and a new business to operate from the subject property, consistent with both of these policies.*

b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. The applicant is proposing storage of no more than 8 vehicles in the sales area at any one time. The volume of traffic generated by an operation of this size can be adequately handled by the existing vehicular access. A limit of eight (8) vehicles for display and sale on the site at any given time, to be arranged consistent with the submitted site plan, should be a condition of approval.*

c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The proposed use is consistent with the existing character of development in the area, which is a mix of residential, commercial, and industrial. It will not endanger the public health, safety, or general welfare.*

d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. The zoning of the surrounding area is primarily industrial and traditional neighborhood, with a small area of multifamily residential on Burgess Street to the west. The use will occupy an existing building and paved lot, and, if limited to no more than 8 vehicles for sale at any given time, will be of a scale generally compatible with normal and orderly development and improvement of the surrounding properties. A limit of 8 vehicles for display and sale on the site at any given time, to be arranged consistent with the submitted site plan, should be a condition of approval.*

e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is met, subject to the conditions of approval below and modification of the condition listed in §65.706 (b) regarding location of vehicular access to the sales lot.*

3. §61.502 of the zoning code states that *the planning commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.*

The physical layout of the property was established for a prior use of the property. While the proposed use of the property for outdoor auto sales will result in increased traffic, based on a maximum allowed number of vehicles for sale at any given time of eight (8), relatively modest amounts of vehicular traffic can be expected. Relocation of the existing vehicular

access to a distance of sixty (60) feet from the nearest intersection would require removal of a street tree and site landscaping, and potentially the relocation of a utility pole and site grading. Strict application of the condition listed in Sec. 65.706(b) would unreasonably limit an otherwise lawful use of the property, and would result in an exceptional undue hardship for the owner of the property. Given the relatively modest amounts of traffic expected to be generated by the proposed use, allowing the continued use of the existing vehicular access for the proposed use would be consistent with the intent and purpose of the condition and would be consistent with the health and general welfare of the community and with reasonable enjoyment of adjacent properties.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Fleetwood Motors for a conditional use permit for outdoor used automobile sales at 550 Como Ave is hereby approved subject to the following additional conditions:

1. Layout of a maximum of 8 vehicles for display and sale at any one time, and of customer parking, employee parking, and drive lanes must be generally consistent with the site plan submitted by the applicant.
2. The zoning administrator must approve a site plan and the sales lot and parking areas must be striped consistent with that site plan no later than May 15, 2015.
3. Outdoor repair or refinishing of vehicles, defined to include repainting, assembly, disassembly, and/or body work on vehicles, shall be prohibited on the site.

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Fleetwood Motors **FILE #** 14-344-764
  2. **APPLICANT:** Fleetwood Motors **HEARING DATE:** December 23, 2014
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 550 Como Ave, SW corner at Burgess Street
  5. **PIN & LEGAL DESCRIPTION:** 252923320144, Foundry Addition Lots 6,7 & Lot 8 Blk 6
  6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** IT
  7. **ZONING CODE REFERENCE:** §65.706; §61.501, §61.502
  8. **STAFF REPORT DATE:** December 18, 2014 **BY:** Josh Williams
  9. **DATE RECEIVED:** November 10, 2014 **60-DAY DEADLINE FOR ACTION:** January 9, 2015
- 

- A. **PURPOSE:** Conditional use permit for outdoor used automobile sales
- B. **PARCEL SIZE:** 16,664
- C. **EXISTING LAND USE:** Commercial
- D. **SURROUNDING LAND USE:**
  - North: Residential/Industrial
  - East: Residential/Commercial
  - South: Industrial
  - West: Residential/Commercial
- E. **ZONING CODE CITATION:** §65.706 lists standards and conditions for outdoor automobile sales and rental; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** Concurrent with this application, the owner of the property has submitted an application to rezone the property from IT (transitional industrial) to B3 (general business). Outdoor automobile sales are not allowed in the IT district and are a conditional use in the B3 district.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council has recommended approval the application for a conditional use permit for outdoor used auto sales.
- H. **FINDINGS:**
  1. §65.706 lists four standards that outdoor automobiles sales lots must meet in the B3 district:
    - a) *A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area. This standard ~~is can be~~ met. The applicant has submitted a site plan which shows layout of vehicles for sale, employee and customer parking, and adequate drive lanes. The Department of Safety and Inspections (DSI) has requested that the applicant work with DSI staff to develop a site plan showing a substantially similar arrangement to what the applicant has proposed, which the zoning administrator will approve and retain on file. The lot where vehicles sales and employee and customer parking will take place is already paved. However, sales and parking areas are not striped at this time. Zoning administrator approval of a site plan and sStriping of the lot consistent with thate site plan should be a condition of approval.*
    - b) *Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets. ~~This standard can be met.~~ The ~~curb cut by which vehicular access to~~ the sales area and parking ~~are accessed~~ is located approximately 55-30 feet from the intersection of Burgess Street and Como Avenue. ~~The applicant has agreed to move the curb cut southeasterly to a distance of 60 feet from the intersection, but has requested that the necessary construction be delayed until the 2015 construction season. A deadline for moving the curb cut should be a condition of approval.~~ The applicant has requested*

modification of this condition. §61.502 lists criteria under which the Planning Commission may modify a special condition of approval.

- c) *No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building.* This standard can be met. The applicant has indicated no intent to conduct repair or refinishing activities on the site. A prohibition on outdoor repairs or refinishing of vehicles on site should be a condition of approval.
  - d) *Except in the IT transitional industrial district, the minimum lot area shall be fifteen thousand (15,000) square feet.* This condition is met; the lot area is over 15,000 square feet.
2. §61.501 lists five standards that all conditional uses must satisfy:
- a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Future Land Use map of the comprehensive plan identifies the stretch of Como Avenue on which the property is located as a Mixed-Use Corridor. Policy LU1.46 is to *encourage the expansion of compact commercial areas in... Mixed-Use Corridors.* Policy LU1.48 is to *support compatible mixed-use within single buildings.* The conditional use permit will allow both the existing business and a new business to operate from the subject property, consistent with both of these policies.
  - b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition ~~can be~~ met, ~~provided the curb cut for access to the property is relocated to a distance of at least 60 feet from the intersection of Burgess and Como.~~ The applicant is proposing storage of no more than 8 vehicles in the sales area at any one time. The volume of traffic generated by an operation of this size can be adequately handled by the ~~relocated existing curb cut~~ vehicular access. A limit of eight (8) vehicles for display and sale on the site at any given time, to be arranged consistent with the submitted site plan, should be a condition of approval, ~~as should relocation of the curb cut to a distance of at least 60 feet from the nearest intersection.~~
  - c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed use is consistent with the existing character of development in the area, which is a mix of residential, commercial, and industrial. It will not endanger the public health, safety, or general welfare.
  - d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The zoning of the surrounding area is primarily industrial and traditional neighborhood, with a small area of multifamily residential on Burgess Street to the west. The use will occupy an existing building and paved lot, and, if limited to no more than 8 vehicles for sale at any given time, will be of a scale generally compatible with normal and orderly development and improvement of the surrounding properties. A limit of 8 vehicles for display and sale on the site at any given time, to be arranged consistent with the submitted site plan, should be a condition of approval.
  - e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met, subject to the conditions of approval below and modification of the condition listed in §65.706 (b) regarding location of vehicular access to the sales lot.
3. §61.502 of the zoning code states that the planning commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.

The physical layout of the property was established for a prior use of the property. While the proposed use of the property for outdoor auto sales will result in increased traffic, based on a maximum allowed number of vehicles for sale at any given time of eight (8), relatively modest amounts of vehicular traffic can be expected. Relocation of the existing vehicular access to a distance of sixty (60) feet from the nearest intersection would require removal of a street tree and site landscaping, and potentially the relocation of a utility pole and site grading. Strict application of the condition listed in Sec. 65.706(b) would unreasonably limit an otherwise lawful use of the property, and would result in an exceptional undue hardship for the owner of the property. Given the relatively modest amounts of traffic expected to be generated by the proposed use, allowing the continued use of the existing vehicular access for the proposed use would be consistent with the intent and purpose of the condition and would be consistent with the health and general welfare of the community and with reasonable enjoyment of adjacent properties.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for outdoor used automobile sales subject to the following additional conditions:
1. Layout of a maximum of 8 vehicles for display and sale at any one time, and of customer parking, employee parking, and drive lanes must be generally consistent with the site plan submitted by the applicant.
  2. The zoning administrator must approve a site plan and The the sales lot and parking areas must be striped consistent with the site plan no later than May 15, 2015.
  3. ~~A curb cut located at least 60 feet from the nearest intersection and consistent with City of Saint Paul standards for commercial uses must be constructed no later than July 31, 2015.~~
  4. ~~Any portion of the existing curb cut and apron less than 60 site from the nearest intersection shall be removed and replaced with curb, boulevard planting, and sidewalk matching the adjacent cross-sections.~~
- 5.3. Outdoor repair or refinishing of vehicles on site is prohibited.



## CITY OF SAINT PAUL

Telephone: 651-266-6700  
 Christopher B. Coleman, Mayor  
 Facsimile: 651-228-3220

25 West Fourth Street  
 Saint Paul, MN 55102

December 23, 2014

To: Zoning Committee

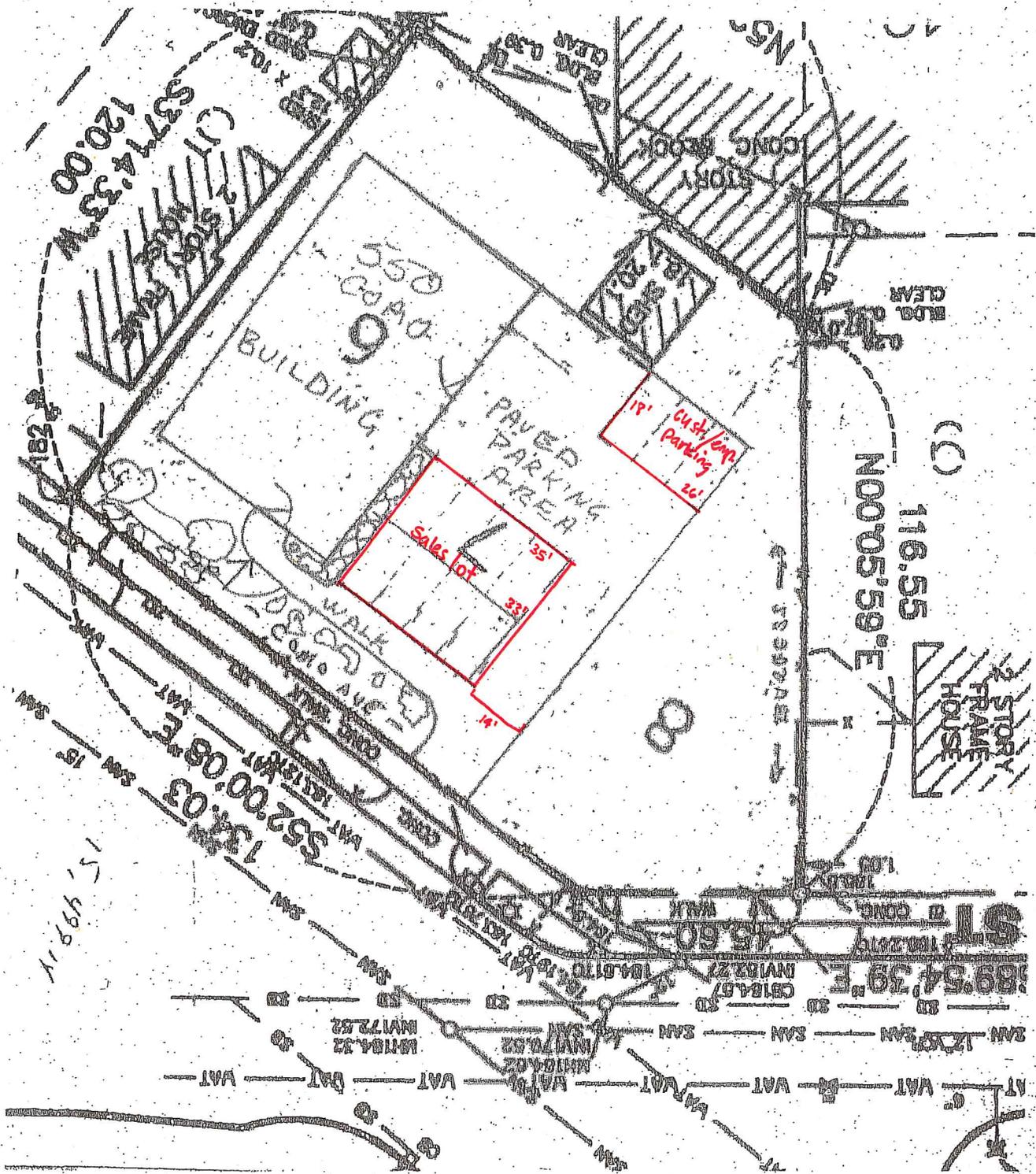
From: Josh Williams, Senior Planner

Re: Zoning File # 14-344764 Fleetwood Motors CUP

The following language could be inserted into the staff report as a new finding number three to support the modification of the condition for outdoor auto sales found in Sec. 65.706(b) of the zoning code, which requires that vehicular access to the sales lot be located at least 60 feet from the nearest intersection:

*Sec. 61.502 of the zoning code states that the planning commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.*

The physical layout of the property was established for a prior use of the property. While the proposed use of the property for outdoor auto sales will result in increased traffic, based on a maximum allowed number of vehicles for sale at any given time of eight (8), relatively modest amounts of vehicular traffic can be expected. Relocation of the existing curb cut to a distance of sixty (60) feet from the nearest intersection would require removal of a street tree and site landscaping, and potentially the relocation of a utility pole and site grading. Strict application of the condition listed in Sec. 65.706(b) would unreasonably limit an otherwise lawful use of the property, and would result in an exceptional undue hardship for the owner of the property. Given the relatively modest amounts of traffic expected to be generated by the proposed use, allowing the continued use of the existing curb cut for the proposed use would be consistent with the intent and purpose of the condition and would be consistent with the health and general welfare of the community and with reasonable enjoyment of adjacent properties.

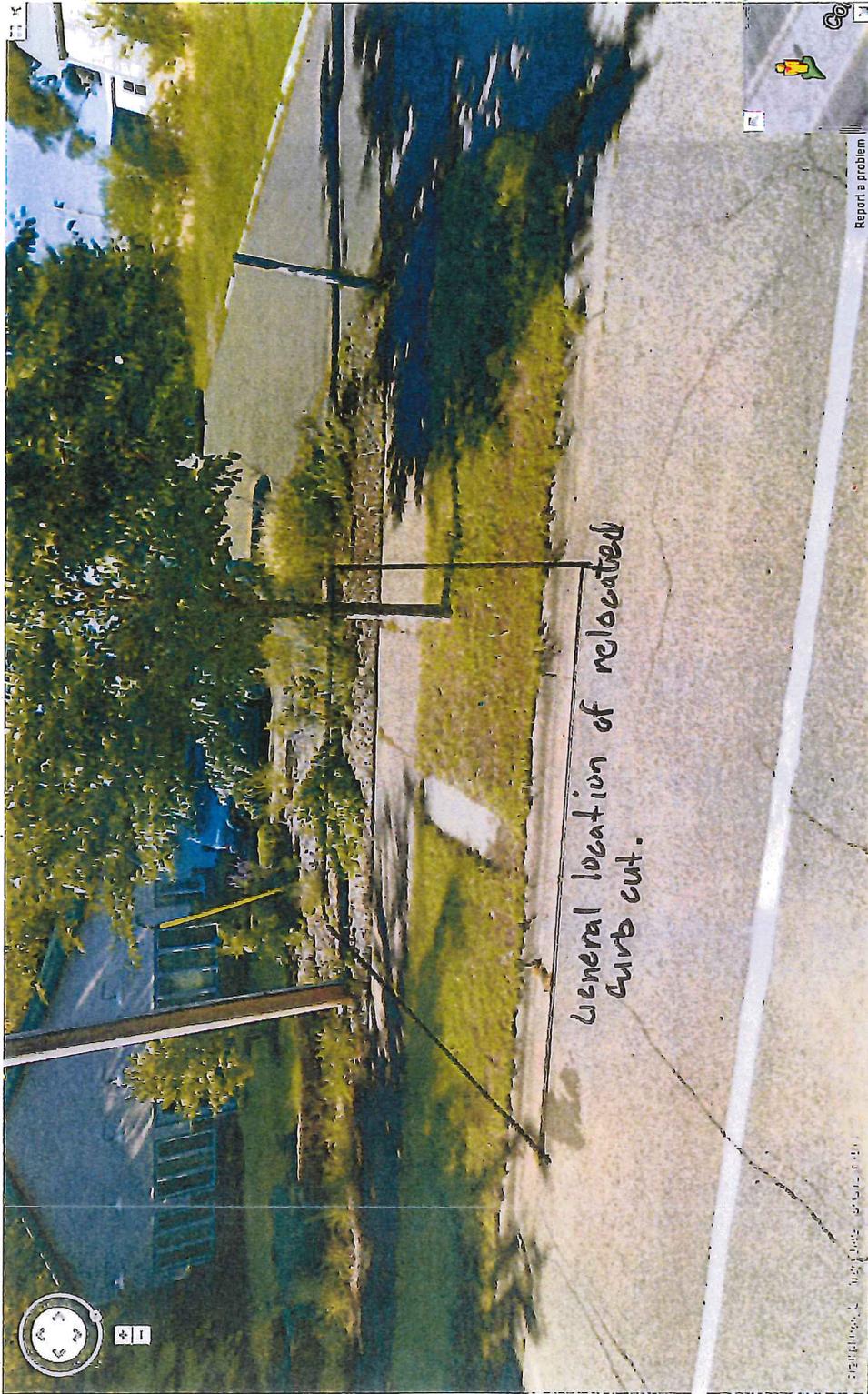


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To see all the details that are visible on the screen, use the "Print" link next to the map.





**CITY OF SAINT PAUL**  
Christopher B. Coleman, Mayor

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6700  
Facsimile: 651-228-3220

DATE: January 9, 2015  
TO: Planning Commission  
FROM: Zoning Committee  
SUBJECT: Results of January 8, 2015, Zoning Committee Hearing

**NEW BUSINESS**

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
1.	<b>East 7th &amp; Bates Senior Apartments ( 14-352-705 )</b> Conditional use permit for a 45 foot building height	Approval with conditions	Approval with conditions ( 5 - 0 )
	<b>Address:</b> 720 7th St E between Maple and Bates		
	<b>District Comment:</b> District 4 recommended denial		
	<b>Support:</b> 0 people spoke, 0 letters		
	<b>Opposition:</b> 3 people spoke , 1 letter		
	<b>Hearing:</b> closed		
	<b>Motion:</b> Approval with conditions		
		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
2.	<b>University of Saint Thomas ( 14-353-762 )</b> Modification of condition of a previous Planning Commission site plan approval to allow an existing parking lot to continue to be used until March 11, 2018	Approval with conditions	Approval with conditions ( 5 - 0 )
	<b>Address:</b> 2060 Summit Ave NW corner of Grand at Cleveland		
	<b>District Comment:</b> District 14 recommended approval		
	<b>Support:</b> 1 person spoke, 2 letters		
	<b>Opposition:</b> 0 people spoke , 0 letters		
	<b>Hearing:</b> closed		
	<b>Motion:</b> Approval with conditions		

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, St. Paul Leased Housing Associates IV LLP, File # 14-352-705, has applied for a conditional use permit for a 45-foot building height under the provisions of §66.331, note (f) of the Saint Paul Legislative Code, on property located at 720 7th St E, Property Identification Numbers: 32.29.22.13.0256 and 32.29.22.13.0028-0034; Proposed legal: Lots 1 - 5, AUDITOR'S SUBDIVISION No. 19, according to the recorded plat thereof, Ramsey County, Minnesota, except the northwesterly 14.00 feet thereof; and lots 12 - 15, AUDITOR'S SUBDIVISION, no. 72, according to the recorded plat thereof, Ramsey County, MN and part of lots 10 and 11, said AUDITOR'S SUBDIVISION. No. 72 lying southwesterly of a line described as commencing at the most northerly corner of Lot 5, said AUDITOR'S SUBDIVISION No. 72, a distance of 195.00 feet to the point of beginning of the line to be described; thence South 34 degrees 28 minutes 00 seconds East 210.40 feet to the southeasterly line of said Lot 11 and said line there terminating; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 8, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

- a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition can be met. The Comprehensive Plan's **Land Use Plan** (2010) supports a compatible mix of land uses in traditional neighborhood zoning districts (Policy 5.2.1). The **Land Use Plan** designates East 7<sup>th</sup> Street as a mixed use corridor and also designates this site as an "opportunity site" (Policy 1.54, Figure LU-B). This site is zoned T2. The **Near East Side Road Map** (2013) designates this site as a "redevelopment opportunity for housing, mixed use, or small commercial-industrial" (Figure 3). The proposed multi-family structure, in conjunction with the natural foods grocery store on the adjacent parcel, constitutes a mix of uses consistent with this designation. The **East 7<sup>th</sup> Street Design Guidelines** establish guidelines, supplemental to City ordinances, to facilitate the growth of high quality, long-lasting places. The proposed use, and design elements of the building are consistent with these Guidelines. However, the proposed design is not entirely consistent with the design guidelines of the Dayton's Bluff Heritage Preservation District. The Heritage*

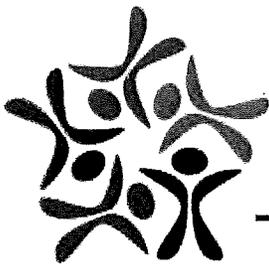
moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

Preservation Commission took action December 18, 2014 to conditionally approve the application for building permits to construct this project subject to conditions listed in that decision.

- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Access to both surface and garage parking lots is approximately at least 110 feet from the nearest intersection. City standard is no less than 60 feet. In order to facilitate site movement the adjacent uses/structures will share access to parking behind the site to facilitate truck and general traffic.
- c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood, nor endanger the public health, safety and general welfare.* This condition is met. The surrounding neighborhood, especially the East 7<sup>th</sup> Street corridor is characterized by a mix of residential and commercial uses, including cafés, automotive retail, a university campus, fast food restaurants, and other commercial services. A senior apartment complex is consistent with, and complements, this mix of uses.
- d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. As noted above, an apartment use is appropriate for the site. Moreover, the proposed apartment development is part of a two-phase development of adjacent parcels, including the natural foods grocery store. Thus, the proposed apartment development is envisioned as part of the normal and orderly development and improvement of surrounding property.
- e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of St. Paul Leased Housing Associates IV LLP for a conditional use permit for a 45-foot building height at 720 7th St E is hereby approved, subject to the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application. Changes to the plan required by the Heritage Preservation Commission through a separate approval process are to be considered in substantial compliance with the plans submitted with this application.
2. All conditions listed in the conditional approval of the Heritage Preservation Commission at the December 18, 2014 public hearing, and further identified in the letter dated December 19, 2014, must be met, and are incorporated by reference.



# dayton's bluff

COMMUNITY COUNCIL

RECEIVED JAN - 8 2015

804 Margaret St. Saint Paul, MN 55106  
www.daytonsbuff.org

Phone 651-772-2075

The Dayton's Bluff Land Use Committee voted unanimously to oppose the conditional use permit allowing for the height requested for Dominion's proposed building on East 7th Street.

One crucial element of our opposition to the conditional use permit lies in the scale of the proposed building. The height is disproportionate to the current neighborhood scale--a Historic District. As proposed, it would be the tallest building on East 7th Street outside of downtown. Its most immediate neighbors to the west, Metropolitan State University, recently revised their plans for an almost equally high parking structure on East 7th because of fierce neighborhood opposition to its size. (They moved the parking lot away from 7th and decreased its height.) To its east, the new Mississippi Market (which has been wonderfully responsive to neighborhood feedback) was carefully built within height and size restrictions.

Dominion's neighbors to the south are residential and would be dwarfed by the new building. Its neighbor to the north, across East 7th Street, the Stutzman's Building, is a model of urban architecture. If built as proposed, the building would block almost all the needed sunshine from the community garden across the street west of the Stutzman Building. One of the Stutzman Building's tenants whose business is on its second floor talks with dread of the way the Dominion building ("a monstrosity") will erect an urban barrier that will literally darken all around it.

Dayton's Bluff Community Council- Land Use Committee opposes the conditional use permit because Dominion has consistently refused to follow neighborhood recommendations that it abide by the spirit of the East 7th Street Development Plan. Recent developments in the immediate vicinity of the proposed Dominion building have given new life to the plan's vision of an urban, walkable streetscape. The new Metropolitan State Student Center, with its restaurant open to East 7th Street; the newly opened Dancing Goat coffee shop across East 7th Street; the soon to be enlarged Common Ground; and the new Mississippi Market will all promote a vibrant street culture. Neighborhood suggestions that Dominion add street level retail have fallen on deaf ears.

Dominion has worked to plan a building with an appealing exterior. However, its mass, like its height, is out of scale with the Historic District where it is proposed. The gargantuan mass does not reflect the current or desired landscape of East 7th Street. The expansive parking lots and lack of green space are also concerns.

DBCC Land Use Committee supports Dominion in its efforts to provide low income senior housing in Dayton's Bluff and welcomes the opportunity to partnership with a company that has had an outstanding track record in other communities. However, given the scope of the current plan, impact on the community, and lack of response to community feedback, we urge you to reject Dominion's request for a conditional use permit.

Dayton's Bluff Community Council looks forward to continuing to work with Dominion on ways to modify their proposal to meet the community needs.

Sincerely,

Land Use Committee, Dayton's Bluff Community Council

Sage Holben, Chair.

# Stutzman Group of Dayton's Bluff

July 23, 2014

Council President Lantry  
320 City Hall  
15 West Kellogg Blvd  
Saint Paul, MN 55101

Dear Kathy,

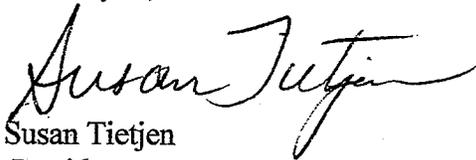
Having seen the current drawings of the proposed Senior Housing for the West portion of the Hospital Linen site, we would like to express our concerns about two prominent features of this project:

1. The scale of this building is not in keeping with the surrounding area. Although the designers have done a good job of trying to break up the façade it is still larger than anything on East 7<sup>th</sup> Street, including the original parking ramp design for Metro State.
2. There is no retail on the street level. We are trying to reestablish a commercial strip on East 7<sup>th</sup> Street and a "walkable community". We would hate to miss an opportunity to build on this vision.

Although we believe this is a quality project and is certainly needed; we have long-range concerns about it. We would like to see the project go forward in Dayton's Bluff on a site more suited to a building of this size. Could it be built on the larger parcel of land to the East, possibly across from the Health Clinic in Beacon Bluff?

We look forward to discussing this further.

Thank you,



Susan Tietjen  
President

CC: Christine Boulware PED  
Amy Spong PED  
Deanna Forster Dayton's Bluff Community Council

619 Bates Avenue, Saint Paul, MN 55106  
**Owners of the Historic Stutzman Building**

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, the University of St. Thomas , File # 14-353-762, has applied for modification of a condition of a previous Planning Commission site plan approval to allow an existing parking lot to continue to be used until March 11, 2018, under the provisions of §61.402 of the Saint Paul Legislative Code, on property located at 2060 Summit Avenue, Parcel Identification Number (PIN) 05.28.23.41.0144, legally described as Groveland Addition To St Paul Vac Alley Accruing and Fol, Lots 1 Thru Lot 4 In Moses Zimmerman's Rearrangement, and In Sd Groveland Add Lots 1 Thru Lot 9 Blk 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 8, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The Planning Commission issued a conditional use permit (Zoning File No. 04-045-501) in 2004 expanding the University of St. Thomas campus to include the blocks bounded by Summit, Cleveland, Grand, and Cretin Avenues. Per §65.220, as part of the basis for approving a campus expansion, the Planning Commission considered a required anticipated growth and development statement and related plans submitted by the University of St. Thomas. The CUP conditions of approval generally described the allowed uses of the two blocks as including up to two (2) new academic buildings and an urban residential village along Grand Avenue, and in particular a residential building at the northwest corner of Cleveland and Grand Avenues.
2. On March 11, 2005, the Planning Commission passed resolution 05-30, approving the site plan for McNeely Hall. McNeely Hall is located at the southwest corner of Summit and Cleveland Avenues, and the site plan included a 32-space surface parking lot located adjacent to the building at the northwest corner of Cleveland and Grand Avenues. A portion of Finding No. 1 of the resolution addressed the issue of surface parking at the northwest corner of Cleveland and Grand:

*The CUP allows "a small number of surface parking spaces for uses such as drop-off/pick-up, or loading." The site plan shows one handicapped accessible parking space on the south side of the building that is intended to be permanent. An existing paved area in the middle of the block would continue to*

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

*be used for parking until construction starts on the remaining buildings on the block. A new parking lot with 32 parking spaces is shown at the southeast corner of the site, at the intersection of Grand and Cleveland where a gas station was recently demolished. The CUP calls for this area to be used for housing and St. Thomas has said it intends to build housing here but construction may not start for few years, until some of the other buildings in the two block area south of Summit are completed. A permanent parking lot is not consistent with the CUP. However, a parking lot that is well landscaped and screened is acceptable as an interim use for up to 10 years if no building is constructed during that time.*

The resolution specified a number of conditions of approval. Condition No. 1 stated:

*A new parking lot with 32 parking spaces is shown at the southeast corner of the site, at the intersection of Grand and Cleveland. A permanent parking lot is not consistent with the St. Thomas CUP approved in August 2004 which shows housing at this location. However, a parking lot that is well landscaped and screened is acceptable as an interim use if it is removed within 10 years of final approval of the site plan for Mc Neely Hall. At that time construction on a new residential building must start or the lot must be removed and replaced with grass and landscaping.*

The University of St. Thomas is requesting that Condition No. 1 of Resolution 05-30 approving the McNeely Hall site plan be amended to allow use of the northwest corner of Cleveland and Grand for a surface parking lot for up to an additional three (3) years, through March 11, 2018.

3. In approving the McNeely Hall site plan, the Planning Commission found that a permanent surface parking lot at the northwest corner of Cleveland and Grand Avenues would be inconsistent with the 2004 conditional use permit that expanded the University of St. Thomas campus to include that block. However, the Planning Commission also found that the temporary location of a surface parking lot on that corner until such time as construction of a residential building began, but no longer than 10 years, would be acceptable.

Since 2004, the University of St. Thomas (UST) has added a number of facilities to the UST campus, some of which were generally identified prior to the 2004 campus expansion. With the exception of McNeely Hall and a child care center at the northwest corner of Finn Street and Grand Avenues, this has not included development approved by the CUP for the two blocks added to the campus in 2004. UST has generally stated that lack of bonding capacity prevents the construction of residential buildings approved under the CUP for the two blocks at this time or in the immediate future. UST has stated that they will begin a new campus master planning process in 2015, and as part of that process will determine whether they will commence with construction of a residential building on the northwest corner of Cleveland and Grand or convert the surface parking lot to green space. Any other uses on the corner would require modification of the 2004 CUP.

The condition limiting the use of the northwest corner of Cleveland and Grand for surface parking to a period of more than ten years was reasonable at the time of the 2005 McNeely Hall site plan approval. However, with UST planning to begin a campus master planning process in 2015, it is unnecessary to require that UST begin construction of a residential building consistent with the CUP or to remove the parking lot and install grass and landscaping by March 11, 2015, provided that UST commit to one of those actions within a defined time period. Modification of Condition No. 1 of the 2005 McNeely Hall to allow the continued use of the northeast corner of Cleveland and Grand for surface parking through March 11, 2018, should be conditional on the University of St. Thomas providing a security

agreement, pursuant to §61.402(e) of the zoning code, in an amount sufficient as determined by the Zoning Administrator to cover the cost of parking lot removal and installation of grass and landscaping on that date. UST has estimated that removal of the surface parking lot would and installation of grass and landscaping would cost approximately \$100,000.

4. As a condition of approval, the 2004 campus expansion CUP (Zoning File No. 04-045-501) requires the University of St. Thomas to participate in a university/community advisory council to address matters related to campus development and university/community relations. This council, the West Summit Neighborhood Advisory Committee, came to unanimous agreement on December 16, 2014, to support a 3-year extension of the use of the northwest corner of Cleveland and Grand Avenues for a surface parking lot, subject to agreement by UST to make certain investments related to the reversal and prevention of conversion of single family homes near campus to student rental housing and to lighting on and around campus.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of the University of St. Thomas for modification of a condition of a previous Planning Commission site plan approval to allow an existing parking lot to continue to be used until March 11, 2018, at 2060 Summit Avenue is hereby approved subject to the following condition:

1. The University of St. Thomas must provide a security agreement, in the form of an irrevocable letter of credit, a performance bond, or cash escrow, equivalent to the cost of removing the surface parking lot and installing grass and landscaping, as determined by the Zoning Administrator no later than one (1) year from the date of this approval.



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6700  
Facsimile: 651-228-3220*

January 7, 2015

To: Zoning Committee

From: Josh Williams, Senior Planner

Re: Staff Report for ZF# 14-3543762

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After consultation with the City Attorney's Office, the staff report has been revised to remove references in the staff report to §61.108. The revised staff report is attached. The staff recommendation has not changed.

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** University of St. Thomas (2060 Summit) **FILE #** 14-353-762
  2. **APPLICANT:** University of St. Thomas **HEARING DATE:** January 8, 2015
  3. **TYPE OF APPLICATION:** Amendment of site plan approval
  4. **LOCATION:** 2060 Summit Ave, NW corner of Grand at Cleveland
  5. **PIN & LEGAL DESCRIPTION:** 052823410144, Groveland Addition To Stpaul Vac Alley Accruing And Fol, Lots 1 Thru Lot 4 In Moses Zimmerman's Rearrangement And In Sd Groveland Add Lots 1 Thru Lot9 Blk 1
  6. **PLANNING DISTRICT:** 14 **PRESENT ZONING:** T2
  7. **ZONING CODE REFERENCE:** §61.~~408~~402
  8. **STAFF REPORT DATE:** December 31, 2014 **BY:** Josh Williams
  9. **DATE RECEIVED:** December 15, 2014 **60-DAY DEADLINE FOR ACTION:** February 13, 2015
- 

- A. **PURPOSE:** Modification of condition of a previous Planning Commission site plan approval to allow continued use of a portion of site for surface parking until March 11, 2018
- B. **PARCEL SIZE:** 95,978 sq. ft./approx. 2.2 acres
- C. **EXISTING LAND USE:** P-Parking Lot
- D. **SURROUNDING LAND USE:**  
North: Academic building (UST campus)  
East: Gas station  
South: Commercial  
West: Residential (UST campus)
- E. **ZONING CODE CITATION:** §61.~~408~~402 provides for site plan review by the allows the Planning Commission ~~to modify or delete conditions of a previous approval, subject to a public hearing prior to issuance of grading or building permits.~~ §61.402(e) authorizes the Zoning Administrator to require a security agreement equal to the cost to install required landscaping or other items required by special condition of a site plan approval.
- F. **HISTORY/DISCUSSION:** In 2004, the Planning Commission issued a conditional use permit (ZF# 04-045-501) expanding the University of St. Thomas campus to include the two blocks bounded by Summit, Cleveland, Grand, and Cretin Avenues. In 2005, the Planning Commission passed Resolution 05-30 approving the site plan for McNeely Hall on the southwest corner of Summit and Cleveland Avenues. The site plan included a 32-space surface parking lot at the northwest corner of Cleveland and Grand Avenues. The findings enumerated in the resolution and conditions of approval stated that while permanent use of the corner of Cleveland and Grand was for a surface parking lot was inconsistent with the 2004 CUP, surface parking was an acceptable use on the corner on an interim basis.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 14 Council has recommended modifying the conditions of the 2005 McNeely Hall site plan approval to allow continued use of the southwest corner of Cleveland and Grand Avenues for an additional three (3) years, through March 11, 2018.
- H. **FINDINGS:**
  1. The Planning Commission issued a conditional use permit (Zoning File No. 04-045-501) in 2004 expanding the University of St. Thomas campus to include the blocks bounded

by Summit, Cleveland, Grand, and Cretin Avenues. Per §65.220, as part of the basis for approving a campus expansion, the Planning Commission considered a required anticipated growth and development statement and related plans submitted by the University of St. Thomas. The CUP conditions of approval generally described the allowed uses of the two blocks as including up to two (2) new academic buildings and an urban residential village along Grand Avenue, and in particular a residential building at the northwest corner of Cleveland and Grand Avenues.

2. On March 11, 2005, the Planning Commission passed resolution 05-30, approving the site plan for McNeely Hall. McNeely Hall is located at the southwest corner of Summit and Cleveland Avenues, and the site plan included a 32-space surface parking lot located adjacent to the building at the northwest corner of Cleveland and Grand Avenues. A portion of Finding No. 1 of the resolution addressed the issue of surface parking at the northwest corner of Cleveland and Grand:

*The CUP allows "a small number of surface parking spaces for uses such as drop-off/pick-up, or loading." The site plan shows one handicapped accessible parking space on the south side of the building that is intended to be permanent. An existing paved area in the middle of the block would continue to be used for parking until construction starts on the remaining buildings on the block. A new parking lot with 32 parking spaces is shown at the southeast corner of the site, at the intersection of Grand and Cleveland where a gas station was recently demolished. The CUP calls for this area to be used for housing and St. Thomas has said it intends to build housing here but construction may not start for few years, until some of the other buildings in the two block area south of Summit are completed. A permanent parking lot is not consistent with the CUP. However, a parking lot that is well landscaped and screened is acceptable as an interim use for up to 10 years if no building is constructed during that time.*

The resolution specified a number of conditions of approval. Condition No. 1 stated:

*A new parking lot with 32 parking spaces is shown at the southeast corner of the site, at the intersection of Grand and Cleveland. A permanent parking lot is not consistent with the St. Thomas CUP approved in August 2004 which shows housing at this location. However, a parking lot that is well landscaped and screened is acceptable as an interim use if it is removed within 10 years of final approval of the site plan for Mc Neely Hall. At that time construction on a new residential building must start or the lot must be removed and replaced with grass and landscaping.*

The University of St. Thomas is requesting that Condition No. 1 of Resolution 05-30 approving the McNeely Hall site plan be amended to allow use of the northwest corner of Cleveland and Grand for a surface parking lot for up to an additional three (3) years, through March 11, 2018.

3. ~~§61.108 allows the Planning Commission to modify or delete conditions of previous approvals where at a public hearing the Planning Commission deems those conditions to be unnecessary, unreasonable or impossible of compliance.~~ In approving the McNeely Hall site plan, the Planning Commission found that a permanent surface parking lot at the northwest corner of Cleveland and Grand Avenues would be inconsistent with the 2004 conditional use permit that expanded the University of St. Thomas campus to include that block. However, the Planning Commission also found that the temporary location of a surface parking lot on that corner until such time as

construction of a residential building began, but no longer than 10 years, would be acceptable.

Since 2004, the University of St. Thomas (UST) has added a number of facilities to the UST campus, some of which were generally identified prior to the 2004 campus expansion. With the exception of McNeely Hall and a child care center at the northwest corner of Finn Street and Grand Avenues, this has not included development approved by the CUP for the two blocks added to the campus in 2004. UST has generally stated that lack of bonding capacity prevents the construction of residential buildings approved under the CUP for the two blocks at this time or in the immediate future. UST has stated that they will begin a new campus master planning process in 2015, and as part of that process will determine whether they will commence with construction of a residential building on the northwest corner of Cleveland and Grand or convert the surface parking lot to green space. Any other uses on the corner would require modification of the 2004 CUP.

The condition limiting the use of the northwest corner of Cleveland and Grand for surface parking to a period of more than ten years was reasonable at the time of the 2005 McNeely Hall site plan approval. However, with UST planning to begin a campus master planning process in 2015, it is unnecessary to require that UST begin construction of a residential building consistent with the CUP or to remove the parking lot and install grass and landscaping by March 11, 2015, provided that UST commit to one of those actions within a defined time period. Modification of Condition No. 1 of the 2005 McNeely Hall to allow the continued use of the northeast corner of Cleveland and Grand for surface parking through March 11, 2018 should be conditional on the University of St. Thomas providing a security agreement, pursuant to §61.402(e) of the zoning code, in an amount sufficient as determined by the Zoning Administrator to cover the cost of parking lot removal and installation of grass and landscaping on that date. UST has estimated that removal of the surface parking lot would and installation of grass and landscaping would cost approximately \$100,000.

4. As a condition of approval, the 2004 campus expansion CUP (Zoning File No. 04-045-501) requires the University of St. Thomas to participate in a university/community advisory council to address matters related to campus development and university/community relations. This council, the West Summit Neighborhood Advisory Committee, came to unanimous agreement on December 16, 2014 to support a 3-year extension of the use of the northwest corner of Cleveland and Grand Avenues for a surface parking lot, subject to agreement by UST to make certain investments related to the reversal and prevention of conversion of single family homes near campus to student rental housing and to lighting on and around campus.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the modification of Condition No. 1 of Planning Commission Resolution 05-30 approving the site plan for McNeely Hall to allow the existing parking lot at the northwest corner of Cleveland and Grand Avenues to continue to be used until March 11, 2018 subject to the following condition:
  1. The University of St. Thomas must provide a security agreement, in the form of an irrevocable letter of credit, a performance bond, or cash escrow, equivalent to the cost of removing the surface parking lot and installing grass and landscaping, as determined by the Zoning Administrator no later than one (1) year from the date of this approval.

Attachments

Application and applicant materials  
2004 Conditional Use Permit (Zoning File No. 04-045-501)  
Planning Commission Resolution 05-30  
Zoning Committee Staff Report for McNeely Hall site plan (Zoning File No. 05-047-765)  
WSNAC statement in support of extension  
Macalester-Groveland Community Council letter of support

**Gage, Amy L.**

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**From:** Edward Martell <eemartell1@hotmail.com>  
**Sent:** Wednesday, January 07, 2015 9:17 PM  
**To:** Josh Capistrant; Gage, Amy L.  
**Cc:** Hennes, Douglas E.  
**Subject:** RE: January 8, 2015, Zoning Committee Agenda

Thanks Josh!

PS: Amy, due to a doctors appointment in Minneapolis, I may not be able to make this meeting but if possible would like to voice my support for the agenda item listed below. If allowed, would you please share my support with the planning commission?

I, Edward Martell of 2149 Goodrich Ave., Saint Paul Minnesota, strongly support the modification of condition of a previous Planning Commission site plan approval to allow an existing parking lot to continue to be used until March 11, 2018 at 2060 Summit Ave. NW corner of Grand at Cleveland. I believe this is in the best interest of the neighborhood, St. Thomas, and surrounding businesses (eg. Davanni's and Café Bene). Please approve.

Thx Ed ([eemartell1@hotmail.com](mailto:eemartell1@hotmail.com); 651-231-1179)

14-353-762 University of Saint Thomas  
Modification of condition of a previous Planning Commission site plan approval to allow  
an existing parking lot to continue to be used until March 11, 2018  
2060 Summit Ave, NW corner of Grand at Cleveland

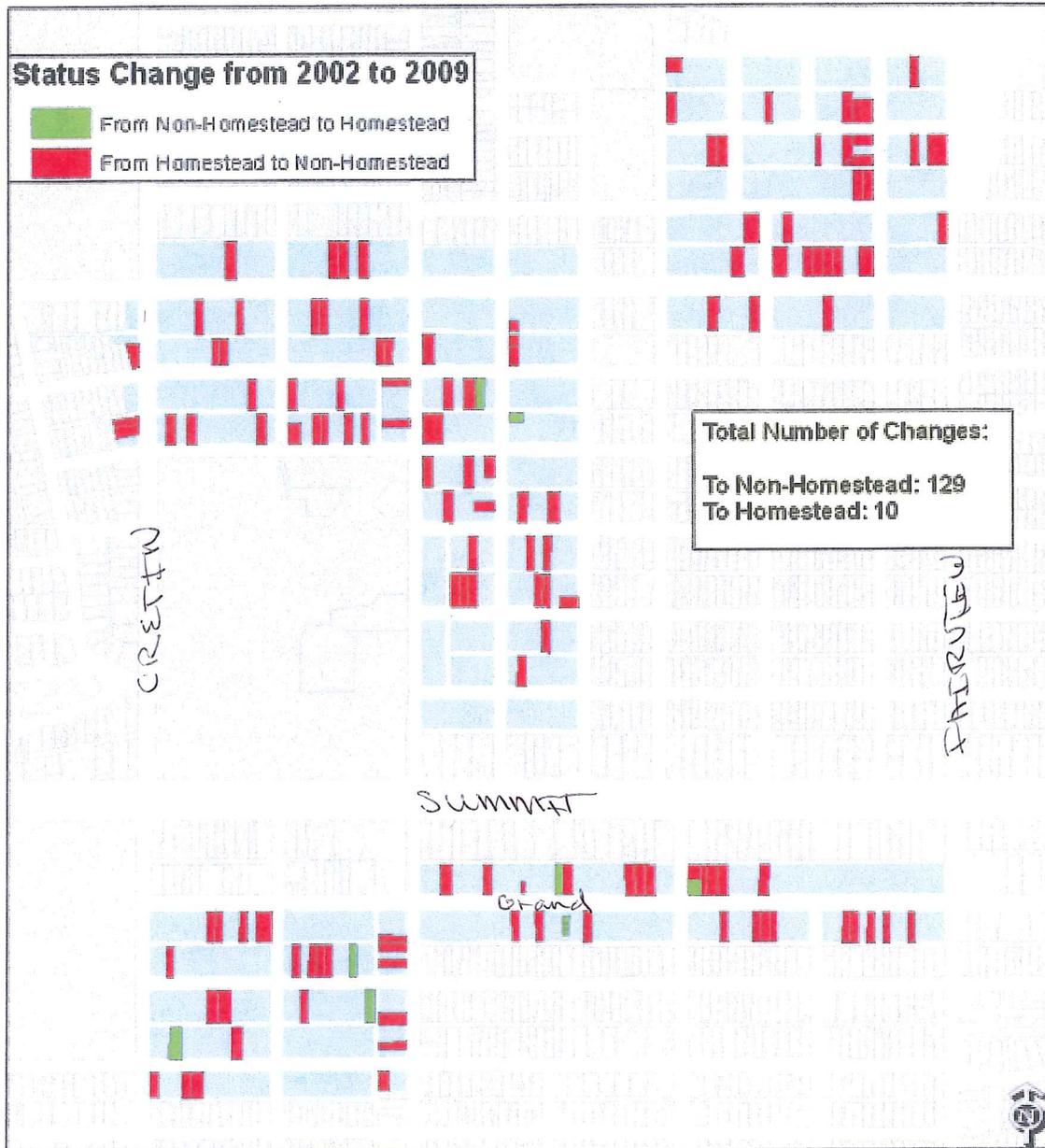
Amy, with respect to agenda

Modification of condition of a previous Planning Commission site plan approval to allow  
an existing parking lot to continue to be used until March 11, 2018  
2060 Summit Ave, NW corner of Grand at Cleveland

## **UST Building Projects and Remodels since 2004 on the St. Paul Campus**

1. Flynn Hall
2. Opus Business Building with surface parking lot
3. Anderson parking ramp
4. Child Development Center
5. Anderson Athletic Center
6. 5. Anderson Student Center with revamped outside patio area
7. Religious Studies building expansion/ remodel and garden/patio area
8. McCarthy gym remodel
9. New maintenance building
10. Murray Herrick interior remodel
11. President's house remodel and landscaping
12. Chapel remodel
13. Removal of 3 illegal and one approved crosswalks on Summit median
14. Installation of new Aches crosswalk
15. Installation of new sidewalks, new curb cuts, plantings on Summit/Cretin
16. Installation of new turf on softball field
17. Installation of new turf on football field
18. Installation of new scoreboard on football practice field
19. Installation of new premium purple seating in football stadium
20. Installation of fountain on Anderson Student Center plaza
21. Repair and remodel of grotto on South Campus
22. Removal of Alumni House garage and installation of new cement and landscaping - 1 parking space increase

# Homestead Status Changes in Focused Study Areas, 2002 to 2009

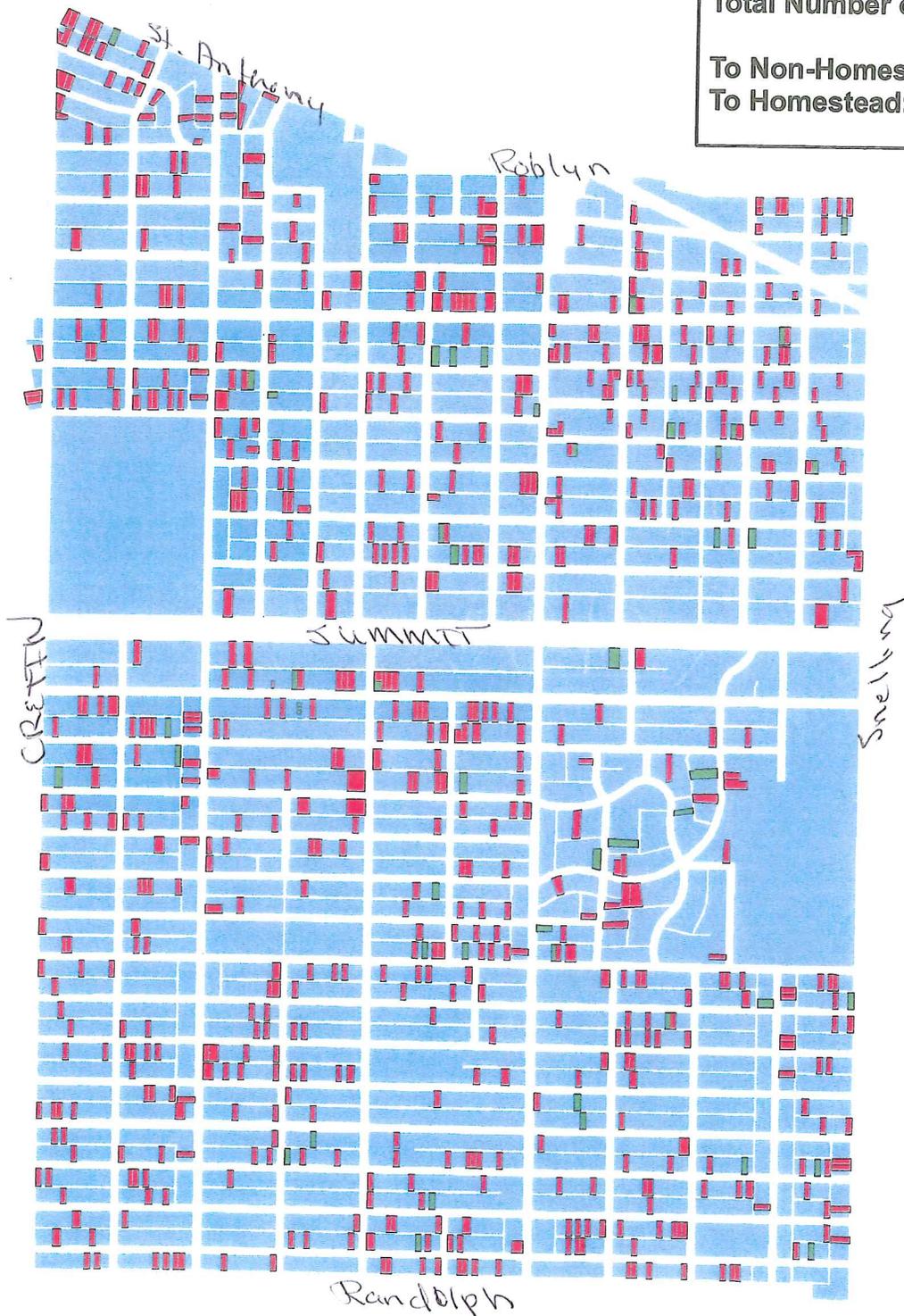


Parcel Source: Metropolitan Council MetroGIS  
 Regionally Endorsed Parcel dataset, 2002 - 2009



# Homestead Status Changes in Larger Study Area, 2002 to 2009

Total Number of Changes:  
To Non-Homestead: 665  
To Homestead: 51



Status Change from 2002 to 2009

-  To\_Homestead
-  To Non-Homestead

